

"Organization" § 12-101

"Person" § 1-101

"Token" § 12-101

12-109. PREARRANGEMENT OR PREDETERMINATION OF HORSE RACE RESULTS.

(A) PROHIBITED.

A PERSON MAY NOT WILLFULLY, KNOWINGLY, AND UNLAWFULLY CAUSE OR ATTEMPT TO CAUSE THE PREARRANGEMENT OR PREDETERMINATION OF THE RESULTS OF A HORSE RACE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 240A.

Defined term: "Person" § 1-101

12-110. RECOVERY OF GAMBLING LOSS.

(A) IN GENERAL.

A PERSON WHO LOSES MONEY AT A GAMING DEVICE THAT IS PROHIBITED BY THIS SUBTITLE, SUBTITLE 2 OF THIS TITLE, OR TITLE 13 OF THIS ARTICLE:

- (1) MAY RECOVER THE MONEY AS IF IT WERE A COMMON DEBT; AND
- (2) IS A COMPETENT WITNESS TO PROVE THE LOSS.

(B) LIMITATION.

NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A PERSON MAY NOT RECOVER MONEY OR ANY OTHER THING THAT THE PERSON WON BY BETTING AT A GAMING DEVICE PROHIBITED BY THIS SUBTITLE, SUBTITLE 2 OF THIS TITLE, OR TITLE 13 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 243.

In subsections (a) and (b) of this section, the references to a gaming device that is "prohibited by this subtitle, Subtitle 2 of this title, or Title 13 of this article" are added for clarity and to make explicit that civil recovery of a gambling loss is allowed under this section only when the gambling that produced the loss was illegal. *See Bender v. Arundel Arena, Inc.*, 248 Md. 181, 236 A.2d 7 (1967).

In subsection (a) of this section, the defined term "gaming device" is substituted for the former term "gaming table". *See* § 12-101(c) of this subtitle.