
By: **Delegate Love**

Introduced and read first time: January 26, 2000

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County - Alcoholic Beverages - Proceedings Against Licensees**

3 FOR the purpose of excluding Anne Arundel County from the application of the
4 requirement that if an alcoholic beverages licensee or employee of a licensee is
5 found not guilty or placed on probation without a verdict of a certain alleged
6 violation, the finding bars certain further proceedings against the licensee; and
7 generally relating to alcoholic beverages licensees in Anne Arundel County.

8 BY repealing and reenacting, with amendments,
9 Article 2B - Alcoholic Beverages
10 Section 12-108(a)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1999 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 2B - Alcoholic Beverages**

16 12-108.

17 (a) (1) A licensee licensed under this article, or any employee of the licensee,
18 may not sell or furnish any alcoholic beverages at any time to a person under 21 years
19 of age:

20 (i) For the underage person's own use or for the use of any other
21 person; or

22 (ii) To any person who, at the time of the sale, or delivery, is visibly
23 under the influence of any alcoholic beverage.

24 (2) Any licensee or any employee of the licensee who is charged with a
25 violation of this subsection shall receive a summons to appear in court on a certain
26 day to answer the charges placed against that person. The person charged may not be
27 required to post bail bond pending trial in any court of this State.

1 (3) (i) A licensee or employee of the licensee violating any of the
2 provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers
3 the penalties provided by § 16-503 of this article.

4 (ii) A licensee or employee of the licensee who is charged with
5 selling or furnishing any alcoholic beverages to a person under 21 years of age may
6 not be found guilty of a violation of this subsection, if the person establishes to the
7 satisfaction of the jury or the court sitting as a jury that the person used due caution
8 to establish that the person under 21 years of age was not, in fact, a person under 21
9 years of age if a nonresident of the State.

10 (iii) If the person is a resident of the State of Maryland, the licensee
11 or employee of the licensee may accept, as proof of a person's age, the display of the
12 person's driver's license or identification card as provided for in the Maryland Vehicle
13 Law.

14 (iv) 1. THIS SUBPARAGRAPH DOES NOT APPLY IN ANNE
15 ARUNDEL COUNTY.

16 2. Except as otherwise provided in this section, if any
17 licensee or employee of the licensee is found not guilty, or placed on probation without
18 a verdict, of any alleged violation of this subsection, this finding operates as a
19 complete bar to any proceeding by any alcoholic beverage law enforcement or
20 licensing authorities against the licensee on account of the alleged violation.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2000.