

HOUSE BILL 1332

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A2

2000 Regular Session  
0lr2928  
CF 0lr3100

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By: **Charles County Delegation**

Introduced and read first time: February 21, 2000  
Assigned to: Rules and Executive Nominations  
Re-referred to: Economic Matters, March 13, 2000

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 25, 2000

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CHAPTER 188

1 AN ACT concerning

2 **Charles County - Alcoholic Beverages - Sales to Underage Persons**

3 FOR the purpose of authorizing ~~in the~~ Charles County ~~a civil fine for~~ Board of License  
4 Commissioners to impose a fine on certain employees who sell ~~or furnish~~  
5 alcoholic beverages to underage persons; ~~authorizing the Charles County~~  
6 ~~Sheriff's Office to issue a citation under certain circumstances~~ requiring the  
7 Charles County Board of License Commissioners to levy certain fines in  
8 accordance with certain provisions of law; making a certain technical correction;  
9 and generally relating to the selling ~~or furnishing~~ of alcoholic beverages to  
10 underage persons in Charles County.

11 BY repealing and reenacting, with amendments,  
12 Article 2B - Alcoholic Beverages  
13 Section ~~12-108(a)~~ 16-507(j)  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 1999 Supplement)

16 ~~BY adding to~~  
17 ~~Article 2B - Alcoholic Beverages~~  
18 ~~Section 12-108(g)~~  
19 ~~Annotated Code of Maryland~~  
20 ~~(1998 Replacement Volume and 1999 Supplement)~~

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

1

## Article 2B - Alcoholic Beverages

2 ~~12-108.~~

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

6 (i) ~~For the underage person's own use or for the use of any other~~  
7 ~~person; or~~

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

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

14 (3) (i) ~~[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~  
15 ~~PARAGRAPH, A licensee or employee of the licensee violating any of the provisions of~~  
16 ~~this subsection is guilty of a misdemeanor and, upon conviction, suffers the CRIMINAL~~  
17 ~~penalties provided by § 16-503 of this article.~~

18 (II) ~~IN CHARLES COUNTY, A LICENSEE OR EMPLOYEE OF THE~~  
19 ~~LICENSEE VIOLATING ANY OF THE PROVISIONS OF THIS SUBSECTION IS GUILTY OF A~~  
20 ~~MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:~~

21 A. ~~THE CRIMINAL PENALTIES UNDER § 16-503 OF THIS~~  
22 ~~ARTICLE; OR~~

23 B. ~~THE CIVIL FINE FOR EMPLOYEES PROVIDED BY~~  
24 ~~SUBSECTION (G) OF THIS SECTION.~~

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

31 (iii) ~~If the person is a resident of the State of Maryland, the licensee~~  
32 ~~or employee of the licensee may accept, as proof of a person's age, the display of the~~  
33 ~~person's driver's license or identification card as provided for in the Maryland Vehicle~~  
34 ~~Law.~~

35 (iv) ~~Except as otherwise provided in this section, if any licensee or~~  
36 ~~employee of the licensee is found not guilty, or placed on probation without a verdict,~~  
37 ~~of any alleged violation of this subsection, this finding operates as a complete bar to~~

1 any proceeding by any alcoholic beverage law enforcement or licensing authorities  
2 against the licensee on account of the alleged violation.

3 (G) (1) ~~THIS SUBSECTION APPLIES ONLY IN CHARLES COUNTY.~~

4 (2) ~~A LICENSEE'S EMPLOYEE WHO VIOLATES SUBSECTION (A) OF THIS  
5 SECTION MAY BE ISSUED A CITATION BY THE CHARLES COUNTY SHERIFF'S OFFICE  
6 AND IS SUBJECT TO A CIVIL PENALTY OF \$50 FOR EACH OFFENSE.~~

7 16-507.

8 (j) (1) Notwithstanding any provision of this Code to the contrary, in  
9 Charles County, the Board of License Commissioners may impose a fine not to exceed  
10 \$1,000 or suspend an alcoholic beverage license, for any violation of the alcoholic  
11 beverage laws affecting Charles County. All moneys collected under this subsection  
12 shall be deposited into the general funds of the County.

13 (2) (I) In Charles County, if an alcoholic beverages licensee or an  
14 employee of an alcoholic beverages licensee sells alcoholic beverages to a person under  
15 21 years of age, the Board of License Commissioners may:

16 [(i)] 1. For the first offense, suspend the license for not more than  
17 3 days or impose a fine not to exceed \$500 or both; and

18 [(ii)] 2. For each subsequent offense, IMPOSE a penalty as  
19 determined by the Board of License Commissioners.

20 (II) IN CHARLES COUNTY, IF AN EMPLOYEE OF AN ALCOHOLIC  
21 BEVERAGES LICENSEE SELLS ALCOHOLIC BEVERAGES TO A PERSON UNDER 21  
22 YEARS OF AGE, THE BOARD OF LICENSE COMMISSIONERS MAY IMPOSE A FINE ON  
23 THE EMPLOYEE NOT TO EXCEED \$50 PER OFFENSE.

24 (3) (i) In this paragraph the term "economic impact" includes, but is  
25 not limited to, the ratio between total sales of alcoholic beverages as compared with  
26 the total sales of the establishment before and during a license suspension.

27 (ii) When determining the number of days for a suspension of a  
28 license for a subsequent offense as provided for in this subsection, the Board shall  
29 consider the class of license and the economic impact the suspension will have on the  
30 business.

31 (4) If a license is suspended for 4 days or less, the suspension may not be  
32 on a Friday, Saturday, or Sunday.

33 (5) A FINE LEVIED BY THE CHARLES COUNTY BOARD OF LICENSE  
34 COMMISSIONERS UNDER THIS SUBSECTION SHALL BE LEVIED IN ACCORDANCE  
35 WITH THE PROVISIONS OF § 10-1001 OF THE STATE GOVERNMENT ARTICLE.

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

