

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 484 (Delegate Barkley, *et al.*)
Judiciary

Alcoholic Beverages - Underage Violations – Misdemeanors

This bill provides that the commission of a specified underage alcoholic beverage violation is a misdemeanor.

The bill does not change the penalties applicable to underage alcoholic beverage violations, but allows the court to impose court costs of more than \$5.

Fiscal Summary

State Effect: General fund expenditures would increase by approximately \$30,000 in FY 2002 for changes in District Court forms and systems. Minimal increase in general fund revenues from increased court costs.

Local Effect: The bill would not significantly impact local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill makes the commission of one of the following underage alcoholic beverage violations a misdemeanor.

Section 401 of Article 27 of the Annotated Code prohibits a person from knowingly obtaining alcoholic beverages from a licensed seller for consumption by a person under age 21.

Section 401A prohibits a person from knowingly furnishing an alcoholic beverage to a person under age 21. This statute also prohibits an adult from knowingly allowing a person under age 21 to possess or consume alcoholic beverages at the adult's residence. An exception is allowed for family participants in a religious ceremony.

Section 401B prohibits a person from possessing an unregistered keg, tampering with a keg registration form, or permitting a person under age 21 from consuming the contents of a keg.

Current Law: Commission of an underage alcoholic beverage violation is a code violation and a civil offense. In addition to the violations addressed by this bill (see Bill Summary section of this fiscal note), other underage alcoholic beverage violations include:

- misrepresentation of age to obtain alcoholic beverages from a licensed seller;
- possession of alcoholic beverages by a person under age 21; and
- possession of a false identification card with intent to commit an underage alcoholic beverage violation.

An individual who commits an underage alcoholic beverage violation is subject to a maximum fine of \$500 for a first offense and \$1,000 for a repeat offense. A violator may also be subject to a driver's license suspension and payment of \$5 in court costs.

State Fiscal Effect: The bill is not expected to materially change the District Court's caseload or fine revenue. The bill could result in an increase in court cost revenues for the District Court, however. In fiscal 1999, there were 2,291 citations for underage alcoholic beverage violations. Because the bill does not specify the amount of court costs that may be ordered, the precise increase in court cost revenue cannot be reliably estimated.

The District Court advises that the bill would require alteration of computer systems, cash registers, and court forms, and the development of a new citation to be distributed to law enforcement officers, at a cost of approximately \$30,000.

Additional Information

Prior Introductions: A similar bill was introduced during the 2000 session as HB 469. That bill received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (District Court of Maryland), Department of State Police, Comptroller of the Treasury (Alcohol and Tobacco Tax Division), Department of Legislative Services

Fiscal Note History: First Reader – February 9, 2001
ncs/jr

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