

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 586 (Prince George's County Delegation)
Economic Matters

Prince George's County - Restrictions on Adult or Obscene Entertainment
PG 309-04

This bill adds Prince George's County to those jurisdictions which prohibit nudity and sexual displays in establishments with alcoholic beverages licenses. A violator's alcoholic beverages license must be revoked by the Prince George's County Board of License Commissioners. The bill also prohibits a person in Prince George's County from performing or otherwise participating in any kind of obscene performance in the presence of paid observers or knowingly allowing an establishment to be used for this purpose. The bill provides that any person who violates this prohibition is guilty of a misdemeanor and is subject to fines, imprisonment, or both.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Enforcement of the bill's provisions and conducting license revocation hearings would not significantly affect Prince George's County finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Under Article 2B many local jurisdictions currently provide for an administrative penalty against establishments where nudity and sexual displays occur. An alcoholic beverages license is required to be revoked in Allegany, Anne Arundel, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Kent,

Queen Anne's, St. Mary's, Washington (with a limited exception), Wicomico, and Worcester counties.

Under the Criminal Law Article, it is a crime in Allegany, Anne Arundel, Charles, Howard, Somerset, Wicomico, and Worcester counties for a person to perform or otherwise participate in any kind of live obscene performance or exhibition in the presence of paid observers. Additionally, in these same counties, an owner, lessee, or manager of a building, garden, place, room, structure, or theater may not knowingly allow or assent to the use of the premises for these types of exhibitions. A violator is guilty of a misdemeanor and, on conviction for a first violation, is subject to a fine of up to \$1,000 or imprisonment for up to one year, or both. For each subsequent violation, the offender is subject to a fine of up to \$5,000 or imprisonment for up to three years or both.

Background: Prince George's County advises that, as of February 2004, 22 establishments licensed for alcoholic beverages in the county had exotic dancing. Prince George's County further advises that seven of those licensed establishments had received permission from the Board of License Commissioners to conduct exotic dancing on their premises, whereas the other 15 licensed establishments with exotic dancing had not received permission from the board for this activity.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction facilities. The number of people convicted of this crime is expected to be minimal.

Small Business Effect: Existing alcoholic beverages licensees in Prince George's County that currently provide entertainment featuring nudity and sexual displays would be negatively impacted by restrictions on adult or obscene entertainment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2004
mh/ljm

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