

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1154
Judiciary

(Delegate Hogan, *et al.*)

Alcoholic Beverages - Underage Consumption

This bill specifies that an individual under the age of 21 may not consume alcohol and exhibit effects of its consumption, such as having both the odor of an alcoholic beverage on the individual's breath and having impaired speech, appearance, or behavior.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's fine provision from cases heard in the District Court.

Local Effect: Enforcement of the bill by local law enforcement agencies and the juvenile court could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: An individual under 21 years old may not have under his/her charge or control an alcoholic beverage, unless the individual is an employee of an alcoholic beverage license holder and is in possession of the alcoholic beverage in the normal course of the individual's employment and during regular working hours. There is no specific prohibition against exhibiting the effects of alcohol consumption.

An individual age 18 to 21 who is issued a citation for possessing or having under his/her charge or control an alcoholic beverage is subject to a fine of up to \$500 for a first violation and up to \$1,000 for each subsequent violation upon conviction in District

Court. The same fines apply to an individual age 18 to 21 who possesses or consumes alcohol at a public school. The court may suspend or defer these fines, and an individual who willfully fails to repay these fines may be charged with criminal contempt of court.

An individual younger than 18 who is issued a citation for possessing or having under his/her charge or control an alcoholic beverage is to be tried as a juvenile in the circuit court sitting as the juvenile court. The court may counsel the child and/or the parent or order the child into an alcohol education or rehabilitation program, impose a civil fine of up to \$25 for the first violation and up to \$100 for subsequent violations, or order the child to participate in a supervised work program of up to 20 hours for the first violation and up to 40 hours for subsequent violations.

Background: While the Administrative Office of the Courts no longer maintains statistics regarding the number of underage drinking violations, in 1999, the last year for which these statistics are available, there were approximately 2,300 underage drinking violations in Maryland.

Additional Information

Prior Introductions: HB 1038 of 2004, an identical bill, was assigned to the Judiciary Committee, but was later withdrawn.

Cross File: None.

Information Source(s): Washington County, Montgomery County, Kent County, Worcester County, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2005
ncs/ljm

Analysis by: Joshua A. Watters

Direct Inquiries to:
(410) 946-5510
(301) 970-5510