

HOUSE BILL 1395

A1, E1

71r3368

By: **Delegate Shewell**

Introduced and read first time: March 5, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 14, 2007

Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

1 AN ACT concerning

2 **Furnishing an Alcoholic Beverage to Underage Individual – Penalty**

3 FOR the purpose of making it a misdemeanor for a person knowingly and willfully to
4 furnish an alcoholic beverage for consumption to an individual under the age of
5 21 years under certain circumstances; imposing a certain criminal penalty;
6 repealing certain provisions requiring the issuance of a civil citation to a person
7 who violates the prohibition against furnishing an alcoholic beverage for
8 consumption to an underage individual; clarifying the elements of a certain
9 alcoholic beverage violation; and generally relating to penalties for furnishing
10 an alcoholic beverage to an underage individual.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 10–117 and 10–119(a), (b), (f)(1), and (h)
14 Annotated Code of Maryland
15 (2002 Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Criminal Law

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10–117.

(a) Except as provided in subsection (c) of this section, a person may not **KNOWINGLY AND WILLFULLY** furnish an alcoholic beverage to an individual [if:

(1) the person furnishing the alcoholic beverage knows that the individual is under the age of 21 years; and

(2) the alcoholic beverage is furnished for the purpose of consumption by the individual under the age of 21 years] **UNDER THE AGE OF 21 YEARS FOR THE PURPOSE OF CONSUMPTION BY THE INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

(b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides.

(c) (1) The prohibition set forth in subsection (a) of this section does not apply if the person furnishing the alcoholic beverage and the individual to whom the alcoholic beverage is furnished:

(i) are members of the same immediate family, and the alcoholic beverage is furnished and consumed in a private residence or within the curtilage of the residence; or

(ii) are participants in a religious ceremony.

(2) The prohibition set forth in subsection (b) of this section does not apply if the adult allowing the possession or consumption of the alcoholic beverage and the individual under the age of 21 years who possesses or consumes the alcoholic beverage:

(i) are members of the same immediate family, and the alcoholic beverage is possessed and consumed in a private residence, or within the curtilage of the residence, of the adult; or

(ii) are participants in a religious ceremony.

(3) THE PROHIBITIONS SET FORTH IN SUBSECTIONS (A) AND (B) DO NOT APPLY TO A PERSON WHO:

1 **(I) WAS ACTING IN THE CAPACITY OF A LICENSEE, OR AN**
2 **EMPLOYEE OF A LICENSEE, UNDER ARTICLE 2B OF THE CODE; AND**

3 **(II) HAS COMMITTED A VIOLATION OF, AND IS SUBJECT TO**
4 **THE PENALTIES UNDER ARTICLE 2B, § 12-108 OF THE CODE.**

5 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
6 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
7 **EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

8 10-119.

9 (a) A person who violates [§§ 10-113 through 10-118] **§ 10-113, § 10-114,**
10 **§ 10-115, § 10-116, OR § 10-118** of this part shall be issued a citation under this
11 section.

12 (b) A citation for a violation of [§§ 10-113 through 10-118] **§ 10-113,**
13 **§ 10-114, § 10-115, § 10-116, OR § 10-118** of this part may be issued by:

14 (1) a police officer authorized to make arrests;

15 (2) in State forestry reservations, State parks, historic monuments,
16 and recreation areas, a forest or park warden under § 5-206(a) or (b) of the Natural
17 Resources Article; and

18 (3) in Anne Arundel County, Frederick County, Harford County,
19 Montgomery County, and Prince George's County, and only in the inspector's
20 jurisdiction, an alcoholic beverages inspector who investigates license violations under
21 Article 2B of the Code if the inspector:

22 (i) has successfully completed an appropriate program of
23 training in the proper use of arrest authority and pertinent police procedures as
24 required by the board of license commissioners; and

25 (ii) does not carry firearms in the performance of the inspector's
26 duties.

27 (f) (1) For purposes of this section, a violation of [§§ 10-113 through
28 10-118] **§ 10-113, § 10-114, § 10-115, § 10-116, OR § 10-118** of this part is a Code
29 violation and is a civil offense.

1 (h) (1) [Except as provided in paragraph (2) of this subsection, if] **IF** the
 2 District Court finds that a person has committed a Code violation, the court shall
 3 require the person to pay:

4 (i) a fine not exceeding \$500; or

5 (ii) if the violation is a subsequent violation, a fine not
 6 exceeding \$1,000.

7 [(2) If the District Court finds that a person has committed a Code
 8 violation under § 10–117 of this subtitle, the court shall require the person to pay:

9 (i) a fine not exceeding \$1,000; or

10 (ii) if the violation is a subsequent violation, a fine not
 11 exceeding \$1,500.]

12 [(3) (2) The Chief Judge of the District Court may not establish a
 13 schedule for the prepayment of fines.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.