

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1086
Economic Matters

(Delegate Love)

Education, Health, and Environmental Affairs

City of Annapolis - Alcoholic Beverages - Administrative Proceedings and Fines

This bill authorizes the Annapolis Board of License Commissioners to proceed administratively against a licensee who is granted probation before judgment for a violation of the prohibition against the sale of an alcoholic beverage to a person • under age 21; or • who was visibly under the influence of an alcoholic beverage. In addition, the bill increases from \$1,000 to \$2,000, the fine that the board may impose in lieu of a license suspension for a violation of city alcoholic beverage laws.

Fiscal Summary

State Effect: None.

Local Effect: Annapolis City revenues could increase by \$8,800 in FY 2009 and by \$11,800 annually thereafter from the penalty provision. Expenditures would not be affected.

Small Business Effect: None.

Analysis

Current Law: A licensee or any employee of a licensee may not sell any alcoholic beverage to a person under age 21 or to a person who is visibly under the influence of alcohol. A licensee who violates these prohibitions is guilty of a misdemeanor, unless it can prove that it used due caution, such as accepting a purchaser's Maryland issued driver's license or identification card, or U.S. military identification card. Following a

licensee's conviction, or upon being placed on probation without a verdict, county liquor licensing authorities are barred from any further proceedings against the licensee.

In Cecil, Dorchester, Garrett, Howard, Kent, Montgomery, St. Mary's, Washington, and Wicomico counties, a granting of probation before judgment does not bar the board of license commissioners from proceeding administratively against a licensee.

In the City of Annapolis, the board of license commissioners may impose a fine of up to \$1,000 in lieu of the suspension of a license for any violation that is a cause for suspension under the city's alcoholic beverage laws.

Background: On January 14, 2008, the Annapolis City Council enacted a resolution with the intent to exercise more stringent control over establishments that serve alcoholic beverages. The city council stated that this would be accomplished through the greater deterrent effect of enhanced penalties.

Local Fiscal Effect: Annapolis City revenues could increase by approximately \$8,800 in fiscal 2009 and \$11,800 annually beginning in fiscal 2010 due to the bill's fine increase. This estimate assumes that the number of violations would remain constant in fiscal 2009. The estimate also assumes that the city's average fine would remain at the same percentage of the maximum penalty allowable. In calendar 2007, there were 14 violations that went to public hearing with an average fine of \$841. In fiscal 2006, there were 19 violations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Annapolis, Judiciary (Administrative Office of the Courts), Anne Arundel County, Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2008
mll/hlb

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