

# SENATE BILL 437

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CF HB 378

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By: **Senators Brinkley and Young**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages – ~~Follow-Up~~ Middletown Wine**  
3 **Festival License and Criminal History Records Checks**

4 FOR the purpose of creating in Frederick County a Middletown Wine Festival License;  
5 authorizing the Frederick County Board of License Commissioners to issue the  
6 license to a holder of certain licenses; specifying that the license entitles the  
7 holder to display and sell at retail wine for consumption on or off the premises  
8 on the days and for the hours designated for the Middletown Wine Festival;  
9 requiring the Board to ensure that the primary focus of the Middletown Wine  
10 Festival is the promotion of wine produced in Frederick County; requiring a  
11 license holder to display and sell wine that is distributed in the State; providing  
12 for a license fee; specifying that certain provisions of this Act do not prohibit a  
13 license holder from holding another license of a different class or nature;  
14 authorizing the Burgess and Commissioners of Middletown to hold not more  
15 than a certain number of Middletown Wine Festivals annually; requiring the  
16 Burgess and Commissioners to choose certain festival locations; authorizing the  
17 Burgess and Commissioners to adopt certain regulations; requiring the Board to  
18 apply to the Criminal Justice Information System Central Repository of the  
19 Department of Public Safety and Correctional Services for a certain criminal  
20 history records check for each alcoholic beverages license applicant; requiring  
21 the Board to submit certain fingerprints and certain fees to the Central  
22 Repository under certain circumstances; providing that certain information  
23 obtained from the Central Repository is confidential, may not be  
24 redisseminated, and may be used only for a certain purpose; authorizing the  
25 subject of a criminal history records check to contest the contents of a certain

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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.



1 printed statement as provided under certain provisions of law; requiring the  
 2 Criminal Justice Information System Central Repository of the Department of  
 3 Public Safety and Correctional Services to provide the Board of License  
 4 Commissioners of Frederick County with a revised printed criminal record  
 5 statement of a license applicant or license holder if information is reported to  
 6 the Central Repository after the initial criminal history records check is  
 7 completed; requiring the Central Repository to stop providing the Board with  
 8 revised printed statements under certain circumstances; defining a certain  
 9 term; making certain technical corrections; making stylistic changes; and  
 10 generally relating to alcoholic beverages licenses in Frederick County.

11 BY renumbering

12 Article 2B – Alcoholic Beverages  
 13 Section 8–308.2  
 14 to be Section 8–308.3  
 15 Annotated Code of Maryland  
 16 (2011 Replacement Volume)

17 BY repealing and reenacting, without amendments,

18 Article 2B – Alcoholic Beverages  
 19 Section 8–211(a)  
 20 Annotated Code of Maryland  
 21 (2011 Replacement Volume)

22 BY repealing and reenacting, with amendments,

23 Article 2B – Alcoholic Beverages  
 24 Section 8–211(d–1)  
 25 Annotated Code of Maryland  
 26 (2011 Replacement Volume)

27 BY adding to

28 Article 2B – Alcoholic Beverages  
 29 Section 8–308.2  
 30 Annotated Code of Maryland  
 31 (2011 Replacement Volume)

32 BY repealing and reenacting, with amendments,

33 Article 2B – Alcoholic Beverages  
 34 Section 10–103(b)(13)(v)  
 35 Annotated Code of Maryland  
 36 (2011 Replacement Volume)

37 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 38 MARYLAND, That Section(s) 8–308.2 of Article 2B – Alcoholic Beverages of the  
 39 Annotated Code of Maryland be renumbered to be Section(s) 8–308.3.

1 SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED ~~BY THE GENERAL~~  
2 ~~ASSEMBLY OF MARYLAND~~, That the Laws of Maryland read as follows:

3 **Article 2B – Alcoholic Beverages**

4 8-211.

5 (a) The provisions of this section apply only in Frederick County.

6 (d-1) (1) The Board of License Commissioners may issue within the  
7 municipal boundaries of the municipal corporation of Middletown:

8 (i) Class A, B, or C beer licenses; [or]

9 (ii) Class B beer, wine and liquor (on-sale) licenses if the  
10 licensed premises derive at least 70% of its monthly gross revenue from the sale of  
11 food; OR

12 (iii) MIDDLETOWN WINE FESTIVAL LICENSES.

13 (2) In all other areas of the Middletown (3rd) election district, the  
14 Board of License Commissioners may only issue:

15 (i) Class A, B, or C beer licenses; OR

16 (ii) MIDDLETOWN WINE FESTIVAL LICENSES.

17 8-308.2.

18 (A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.

19 (B) THERE IS A SPECIAL MIDDLETOWN WINE FESTIVAL (MWF)  
20 LICENSE.

21 (C) THE FREDERICK COUNTY BOARD OF LICENSE COMMISSIONERS  
22 MAY ISSUE A SPECIAL MWF LICENSE TO A HOLDER OF A STATE CLASS 3  
23 WINERY LICENSE OR A STATE CLASS 4 LIMITED WINERY LICENSE.

24 (D) A SPECIAL MWF LICENSE ENTITLES THE HOLDER TO DISPLAY AND  
25 SELL AT RETAIL WINE FOR CONSUMPTION ON OR OFF THE PREMISES ON THE  
26 DAYS AND FOR THE HOURS DESIGNATED FOR THE MIDDLETOWN WINE  
27 FESTIVAL.

1           **(E) (1) THE BOARD SHALL ENSURE THAT THE PRIMARY FOCUS OF**  
 2 **THE MIDDLETOWN WINE FESTIVAL IS THE PROMOTION OF WINE PRODUCED IN**  
 3 **FREDERICK COUNTY.**

4           **(2) A HOLDER OF A SPECIAL MWF LICENSE SHALL DISPLAY AND**  
 5 **SELL WINE THAT IS DISTRIBUTED IN THE STATE.**

6           **(F) THE SPECIAL MWF LICENSE FEE IS \$20.**

7           **(G) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL**  
 8 **MWF LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF**  
 9 **A DIFFERENT CLASS OR NATURE.**

10          **(H) THE BURGESS AND COMMISSIONERS OF MIDDLETOWN:**

11           **(1) MAY HOLD NOT MORE THAN TWO 1-DAY MIDDLETOWN WINE**  
 12 **FESTIVALS ANNUALLY ON THE DAYS THAT THE BURGESS AND COMMISSIONERS**  
 13 **CHOOSE; AND**

14           **(2) SHALL CHOOSE FESTIVAL LOCATIONS THAT ARE NOT**  
 15 **LICENSED UNDER THIS ARTICLE.**

16          **(I) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**  
 17 **REGULATIONS TO CARRY OUT THIS SECTION.**

18 10-103.

19          (b) Except as otherwise provided in this subtitle, every new application for a  
 20 license shall be made to the Board of License Commissioners on forms prescribed by  
 21 the Comptroller and sworn to by the applicant. Every application for a license shall  
 22 contain the following:

23           (13) (v) In Frederick County:

24                   ~~1. The Board of License Commissioners shall:~~

25                   A. ~~Obtain criminal records of alcoholic beverages license~~  
 26 ~~applicants from the Criminal Justice Information System Central Repository of the~~  
 27 ~~Department of Public Safety and Correctional Services;~~

28                   B. ~~Require applicants for alcoholic beverages licenses in~~  
 29 ~~the county to be fingerprinted; and~~

30                   C. ~~Forward the fingerprints through the Criminal~~  
 31 ~~Justice Information System Central Repository of the Department of Public Safety and~~

~~Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check[; and].~~

1. THIS SUBPARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.

2. IN THIS SUBPARAGRAPH, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

3. THE BOARD OF LICENSE COMMISSIONERS SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT.

4. AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE BOARD OF LICENSE COMMISSIONERS SHALL SUBMIT TO THE CENTRAL REPOSITORY:

A. TWO COMPLETE SETS OF THE APPLICANT'S FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

B. THE FEE AUTHORIZED IN § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

C. THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

5. IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD OF LICENSE COMMISSIONERS THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

6. INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBPARAGRAPH:

A. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

1 B. MAY BE USED ONLY FOR LICENSING PURPOSES  
 2 UNDER THIS SUBPARAGRAPH.

3 7. THE SUBJECT OF A CRIMINAL HISTORY RECORDS  
 4 CHECK UNDER THIS SUBPARAGRAPH MAY CONTEST THE CONTENTS OF THE  
 5 PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED  
 6 UNDER § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

7 ~~2. 8. WHEN CRIMINAL HISTORY RECORD INFORMATION~~  
 8 ~~OF AN APPLICANT OR A LICENSE HOLDER IS REPORTED TO THE CRIMINAL~~  
 9 ~~JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT~~  
 10 ~~OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AFTER THE INITIAL~~  
 11 ~~CRIMINAL HISTORY RECORDS CHECK IS COMPLETED, THE CENTRAL~~  
 12 ~~REPOSITORY SHALL PROVIDE THE BOARD OF LICENSE COMMISSIONERS WITH~~  
 13 ~~A REVISED PRINTED STATEMENT OF THE CRIMINAL RECORD OF THE APPLICANT~~  
 14 ~~OR LICENSE HOLDER.~~

15 ~~3. 9. IF THE BOARD OF LICENSE COMMISSIONERS~~  
 16 ~~INFORMS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL~~  
 17 ~~REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL~~  
 18 ~~SERVICES THAT AN INDIVIDUAL IS NO LONGER AN APPLICANT OR A LICENSE~~  
 19 ~~HOLDER, THE CENTRAL REPOSITORY SHALL STOP PROVIDING THE BOARD~~  
 20 ~~WITH REVISED PRINTED STATEMENTS OF THE CRIMINAL RECORD OF THE~~  
 21 ~~INDIVIDUAL.~~

22 [2.] ~~4. 10.~~ Applicants for license renewal may not be  
 23 subject to these provisions.

24 SECTION ~~2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
 25 effect July 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.