

HOUSE BILL 409

E1

(6lr1286)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Fraser–Hidalgo, Dumais, A. Miller, Anderson, Barkley, Barve, Beidle, Carr, Cullison, Folden, Gilchrist, Gutierrez, Hill, Hixson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, McCray, Moon, Morales, Platt, Reznik, S. Robinson, Smith, Valentino–Smith, Waldstreicher, C. Wilson, and Zucker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Providing Alcohol to Underage Drinkers – Penalties**
3 **(Alex and Calvin’s Law)**

4 FOR the purpose of prohibiting a person from committing a certain violation relating to
5 alcoholic beverages under certain circumstances; increasing penalties for certain
6 violations of prohibitions relating to obtaining or furnishing alcoholic beverages for
7 individuals under a certain age or allowing an individual under a certain age to
8 possess or consume alcoholic beverages under certain circumstances; establishing a
9 certain penalty; and generally relating to underage consumption of alcohol.

10 BY repealing and reenacting, without amendments,

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.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Criminal Law
2 Section ~~10–116 and 10–117~~
3 Annotated Code of Maryland
4 (2012 Replacement Volume and 2015 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Criminal Law
7 Section 10–117 and 10–121
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2015 Supplement)

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

12 **Article – Criminal Law**

13 10–116.

14 An individual may not obtain, or attempt to obtain by purchase or otherwise, an
15 alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by
16 another who the individual obtaining or attempting to obtain the beverage knows is under
17 the age of 21 years.

18 10–117.

19 (a) Except as provided in subsection (c) of this section, a person may not furnish
20 an alcoholic beverage to an individual if:

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

23 (2) the alcoholic beverage is furnished for the purpose of consumption by
24 the individual under the age of 21 years.

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

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

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

1 (ii) are participants in a religious ceremony.

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

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

8 (ii) are participants in a religious ceremony.

9 **(D) A PERSON MAY NOT VIOLATE SUBSECTION (A) OR (B) OF THIS SECTION**
10 **IF THE VIOLATION INVOLVES AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO:**

11 **(1) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN**
12 **WOULD OPERATE A MOTOR VEHICLE AFTER CONSUMING THE ALCOHOLIC BEVERAGE;**
13 **AND**

14 **(2) AS A RESULT OF OPERATING A MOTOR VEHICLE WHILE UNDER THE**
15 **INFLUENCE OF ALCOHOL OR WHILE IMPAIRED BY ALCOHOL, CAUSES SERIOUS**
16 **PHYSICAL INJURY OR DEATH TO THE INDIVIDUAL OR ANOTHER.**

17 10–121.

18 (a) This section does not apply to a person who:

19 (1) was acting in the capacity of a licensee, or an employee of a licensee,
20 under Article 2B of the Code; and

21 (2) has committed a violation of and is subject to the penalties under
22 Article 2B, § 12–108 of the Code.

23 (b) ~~(1) An~~ **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**
24 **AN** adult who violates § 10–116 or ~~§ 10–117~~ **§ 10–117(A) § 10–117** of this subtitle is guilty
25 of a misdemeanor and on conviction is subject to:

26 ~~(1) (I) [a fine not exceeding \$2,500] for a first offense, IMPRISONMENT~~
27 ~~NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; or~~

28 ~~(2) (II) [a fine not exceeding \$5,000] for a second or subsequent offense,~~
29 ~~IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$7,500 OR~~
30 ~~BOTH.~~

~~(2) AN ADULT WHO VIOLATES § 10-117(B) OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:~~

~~(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; OR~~

~~(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$7,500 OR BOTH.~~

(1) A FINE NOT EXCEEDING \$2,500 FOR A FIRST OFFENSE; OR

(2) A FINE NOT EXCEEDING \$5,000 FOR A SECOND OR SUBSEQUENT OFFENSE.

(C) AN ADULT WHO VIOLATES § 10-117(D) OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.