

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1202
Economic Matters

(Delegate Parrott)

Education, Health, and Environmental Affairs

Washington County - Alcoholic Beverages - Serving Underage Individuals -
Penalties

This bill alters provisions relating to the serving or providing alcoholic beverages to an individual under the age of 21 by (1) removing a specified defense; (2) altering the existing tiered penalty structure for an employee who violates the prohibition; and (3) establishing additional penalties for an employee's failure to pay any fine imposed. The bill also prohibits the Washington County Board of License Commissioners from proceeding administratively against a license holder until after an employee is granted probation before judgment or found guilty. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Minimal increase in Washington County revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Minimal.

Analysis

Bill Summary: Under the bill, a court may no longer consider as a defense to the violation of serving or providing alcohol to an underage individual, that the underage individual served was not a State resident. The bill makes the prohibition a misdemeanor only if a penalty is imposed. Under the bill, penalties for an employee who violates the prohibition in Washington County are as follows:

- \$100 for a first offense;
- \$250 for a second offense; and
- for each subsequent offense, a maximum penalty of \$1,000 and/or two years imprisonment.

If an employee fails to pay any of the fines established under the bill within 30 days, the employee is subject to additional maximum penalties of \$1,000 and/or two years imprisonment.

Current Law: A license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual under the age of 21 years. A license holder or an employee of a license holder who is guilty of serving or providing alcoholic beverages to an individual under the age of 21 is charged via summons to appear in court and may not be required to post bail pending trial. A violation is a misdemeanor, and the board may impose on an employee a maximum fine, for a first offense, of \$200 and, for each subsequent offense, \$500. If a license holder violates the prohibition on serving or providing alcoholic beverages to an individual who is under the age of 21, the board may impose a maximum fine of \$2,500, suspend or revoke the license, or both.

A license holder or an employee of a license holder may not be found guilty of a violation if the license holder or employee establishes to the satisfaction of the finder of fact that the license holder or employee used due caution to establish that the individual was not under the age of 21, and the individual was *not* a resident of the State.

The granting of probation before judgment to a license holder or an employee of the license holder for a violation does not bar the board from proceeding administratively against the license holder for the violation.

State Revenues: General fund revenues increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's incarceration penalties due to more people being committed to State correctional facilities and increased payments to counties for reimbursement of inmate costs.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$3,800 per month. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. The State provides assistance to the counties for locally sentenced inmates and for (1) inmates who are

sentenced to and awaiting transfer to the State correctional system; (2) sentenced inmates confined in a local detention center between 12 and 18 months; and (3) inmates who have been sentenced to the custody of the State but are confined in or receive reentry or other prerelease programming and services from a local facility.

Local Revenues: Revenues increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures increase minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. The per diem operating cost of local detention facilities in Washington County are \$126 per inmate.

Additional Information

Prior Introductions: None.

Cross File: Although SB 324 (Washington County Senators - Education, Health, and Environmental Affairs) is designated as a cross file, the bills are not identical.

Information Source(s): Washington County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2018
mag/tso Third Reader - March 13, 2018

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