

SENATE BILL 1159

E1, E2

4lr1469

By: **Senator Muse**

Introduced and read first time: February 11, 2024

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Unruly Social Events – Prohibition**

3 FOR the purpose of prohibiting a person responsible for a premises from conducting,
4 causing, authorizing, or aiding in maintaining an unruly social event; authorizing
5 certain fire officials to enter a certain premises for a certain purpose without a search
6 warrant under certain circumstances; establishing procedures for when a person
7 convicted of violating this Act fails or is unable to pay any portion of the fine that the
8 person has been sentenced to pay; requiring a certain State’s Attorney to make
9 reasonable efforts to notify a certain department or agency of a violation of this Act
10 under certain circumstances; and generally relating to unruly social events.

11 BY adding to

12 Article – Criminal Law

13 Section 10–801 through 10–806 to be under the new subtitle “Subtitle 8. Unruly
14 Social Events”

15 Annotated Code of Maryland

16 (2021 Replacement Volume and 2023 Supplement)

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

19 **Article – Criminal Law**

20 **SUBTITLE 8. UNRULY SOCIAL EVENTS.**

21 **10–801.**

22 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (B) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 1-101
2 OF THE PUBLIC SAFETY ARTICLE.

3 (C) "OCCUPANT" MEANS ANY PERSON OCCUPYING A PREMISES, WHETHER
4 OR NOT A PARTY TO A LEASE.

5 (D) "OPERATOR" MEANS ANY PERSON THAT HAS CHARGE, CARE, OR
6 CONTROL OF ALL OR ANY PART OF A PREMISES, INCLUDING ANY PERSON
7 ARRANGING OR CONDUCTING AN EVENT ON THE PREMISES.

8 (E) "PARENT" MEANS ANY NATURAL PARENT, ADOPTIVE PARENT,
9 STEPPARENT, OR FOSTER PARENT.

10 (F) "PERSON RESPONSIBLE" MEANS THE OWNER, LANDLORD, OPERATOR,
11 TENANT, OR OCCUPANT OF OR THE HOLDER OF ANY POSSESSORY INTEREST IN A
12 PREMISES, WHETHER ALONE OR JOINTLY WITH ANY OTHER PERSON.

13 (G) "PREMISES" MEANS ALL OR ANY PART OF A RESIDENTIAL PROPERTY,
14 INCLUDING THE CURTILAGE AND ANY APPURTENANT SWIMMING POOL.

15 (H) "RESIDENTIAL PROPERTY" MEANS A BUILDING, STRUCTURE, OR
16 PORTION OF A BUILDING OR STRUCTURE THAT IS DESIGNED PRINCIPALLY AND IS
17 INTENDED FOR HUMAN HABITATION.

18 (I) "TENANT" MEANS ANY TENANT OR LESSEE, WHETHER UNDER A
19 WRITTEN OR ORAL LEASE.

20 (J) "UNRULY SOCIAL EVENT" MEANS A PARTY OR GATHERING:

21 (1) OF THREE OR MORE INDIVIDUALS ON OR IN A PREMISES;

22 (2) THAT IS UNDERTAKEN FOR FINANCIAL GAIN; AND

23 (3) AT WHICH THE CONDUCT OF ATTENDEES CREATES A
24 DISTURBANCE OF THE PEACEFUL ENJOYMENT OF PRIVATE OR PUBLIC PROPERTY,
25 INCLUDING:

26 (I) NOISE IN EXCESS OF ANY NOISE CONTROL ORDINANCE,
27 RULE, OR REGULATION ADOPTED IN ACCORDANCE WITH § 3-105 OF THE
28 ENVIRONMENT ARTICLE OR BY A POLITICAL SUBDIVISION HAVING AUTHORITY
29 OVER THE PREMISES;

30 (II) OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY;

1 (III) THE PRESENCE OF UNRULY CROWDS;

2 (IV) PUBLIC DRUNKENNESS;

3 (V) ASSAULT, BATTERY, OR OTHER DISORDERLY CONDUCT
4 THAT DISTURBS THE PUBLIC PEACE;

5 (VI) VANDALISM OF PUBLIC OR PRIVATE PROPERTY; OR

6 (VII) ANY OTHER CONDUCT THAT CONSTITUTES A THREAT TO
7 THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.

8 **10-802.**

9 NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PROHIBIT A LAW
10 ENFORCEMENT OFFICER FROM CHARGING A PERSON WITH ANOTHER CRIME OR
11 CIVIL OFFENSE FOR CONDUCT ARISING OUT OF THE SAME INCIDENT OR
12 OCCURRENCE AS A VIOLATION OF THIS SUBTITLE.

13 **10-803.**

14 (A) (1) A PERSON RESPONSIBLE FOR A PREMISES MAY NOT CONDUCT,
15 CAUSE, AUTHORIZE, OR AID IN THE MAINTAINING OF ANY UNRULY SOCIAL EVENT ON
16 OR IN THE PREMISES.

17 (2) A PERSON MAY NOT VIOLATE PARAGRAPH (1) OF THIS
18 SUBSECTION IF:

19 (I) THE PERSON HAS BEEN PREVIOUSLY CONVICTED OF
20 VIOLATING PARAGRAPH (1) OF THIS SUBSECTION ON TWO OR MORE PREVIOUS
21 OCCASIONS; AND

22 (II) ONE OF THE PREVIOUS CONVICTIONS OCCURRED IN THE
23 PRECEDING 6 MONTHS.

24 (B) (1) A LAW ENFORCEMENT OFFICER SHALL ISSUE A CITATION FOR A
25 VIOLATION OF THIS SECTION.

26 (2) A CITATION MAY BE ISSUED TO EVERY PERSON RESPONSIBLE FOR
27 THE PREMISES, INCLUDING A LANDLORD AND TENANT.

28 (3) A CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE:

1 (I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

2 (II) THE NATURE OF THE VIOLATION; AND

3 (III) THE LOCATION AND TIME OF THE VIOLATION.

4 (C) (1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS
5 GUILTY OF A CIVIL OFFENSE AND IS SUBJECT TO:

6 (I) FOR A FIRST OFFENSE, A FINE OF \$1,000; AND

7 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF
8 \$10,000.

9 (2) A PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS
10 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
11 EXCEEDING 3 YEARS AND A FINE NOT EXCEEDING \$100,000 OR BOTH.

12 (D) (1) IT IS A DEFENSE TO PROSECUTION FOR A VIOLATION OF THIS
13 SECTION THAT:

14 (I) THE DEFENDANT DID NOT AUTHORIZE, KNOW IN ADVANCE
15 OF, OR PARTICIPATE IN THE UNRULY SOCIAL EVENT; AND

16 (II) THE DEFENDANT HAS REGAINED POSSESSION OF THE
17 PREMISES OR TAKEN ACTION TO REGAIN POSSESSION OF THE PREMISES.

18 (2) IT IS NOT A DEFENSE TO A PROSECUTION FOR A VIOLATION OF
19 THIS SECTION THAT:

20 (I) THE DEFENDANT WAS NOT PHYSICALLY PRESENT AT THE
21 PREMISES WHERE THE VIOLATION OCCURRED; OR

22 (II) THE DEFENDANT OR ANOTHER PERSON RESPONSIBLE HAD
23 ENTERED INTO AN AGREEMENT WITH A THIRD PARTY FOR THE THIRD PARTY TO
24 TAKE RESPONSIBILITY FOR CONDUCT OCCURRING ON THE PREMISES.

25 (E) IF THE DEFENDANT IS A MINOR, THE MINOR AND THE MINOR'S PARENTS
26 OR LEGAL GUARDIANS ARE JOINTLY AND SEVERALLY LIABLE FOR A FINE IMPOSED
27 UNDER THIS SECTION.

28 10-804.

1 (A) (1) THE STATE FIRE MARSHAL, A PERSON LEGALLY APPOINTED BY
2 THE STATE FIRE MARSHAL UNDER TITLE 6, SUBTITLE 3 OF THE PUBLIC SAFETY
3 ARTICLE, OR A LOCAL FIRE OFFICIAL MAY ENTER A PREMISES FOR THE PURPOSE OF
4 ISSUING AN ABATEMENT ORDER WITHOUT A WARRANT TO SEARCH THE PREMISES IF
5 THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS SUBTITLE IS
6 OCCURRING.

7 (2) AN ABATEMENT ORDER UNDER THIS SUBSECTION MAY INCLUDE
8 AN ORDER TO PROHIBIT OR REDUCE THE OCCUPANCY OF THE PREMISES WHERE A
9 VIOLATION OF THIS SUBTITLE IS OCCURRING.

10 (B) AN ABATEMENT ORDER UNDER SUBSECTION (A) OF THIS SECTION
11 SHALL BE IN WRITING AND BE DIRECTED TO THE PERSON RESPONSIBLE FOR THE
12 UNRULY SOCIAL EVENT.

13 10-805.

14 (A) IN THIS SECTION, "COUNTY" INCLUDES BALTIMORE CITY.

15 (B) NOTWITHSTANDING ANY PROVISION OF TITLE 7, SUBTITLE 5 OF THE
16 COURTS ARTICLE THAT IS INCONSISTENT WITH THIS SUBSECTION, IF A PERSON
17 CONVICTED OF VIOLATING THIS SUBTITLE FAILS OR IS UNABLE TO PAY ANY
18 PORTION OF A FINE THAT THE PERSON HAS BEEN SENTENCED TO PAY UNDER THIS
19 SUBTITLE:

20 (1) THE COURT SHALL NOTIFY THE STATE DEPARTMENT OF
21 ASSESSMENTS AND TAXATION OF THE PERSON'S FAILURE OR INABILITY TO PAY;
22 AND

23 (2) IF THE PERSON OWNS REAL PROPERTY SUBJECT TO PROPERTY
24 TAXES IN THE COUNTY IN WHICH THE VIOLATION OF THIS SUBTITLE OCCURRED, THE
25 STATE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL INSTRUCT THE
26 COUNTY TO ADD THE BALANCE OF THE UNPAID FINE TO THE AMOUNT TO BE
27 COLLECTED FROM THE PERSON AS PROPERTY TAX IN THE NEXT FISCAL YEAR.

28 10-806.

29 THE STATE'S ATTORNEY FOR THE COUNTY IN WHICH A VIOLATION OF §
30 10-803(A)(2) OF THIS SUBTITLE OCCURS SHALL MAKE REASONABLE EFFORTS TO
31 NOTIFY ANY OTHER DEPARTMENT OR AGENCY OF STATE OR LOCAL GOVERNMENT
32 THAT MAY BE ABLE TO TAKE ADMINISTRATIVE OR CIVIL ACTION AGAINST THE
33 VIOLATOR IN CONNECTION WITH THE VIOLATION OF § 10-803(A)(2) OF THIS

1 **SUBTITLE.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed
3 to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this
4 Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2024.