

**By: Delegate W. Baker**

Requested: September 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

**2 Alcoholic Beverages Offenses - Minors - Purchase or Attempted Purchase**

3 FOR the purpose of prohibiting a person who is under a certain age from purchasing or  
4 attempting to purchase an alcoholic beverage; providing that a person who is under  
5 a certain age who violates this Act is subject to the procedures and dispositions of  
6 the juvenile court; providing that a person who is at least a certain age who violates  
7 this Act is guilty of a civil Code violation under certain provisions of law; and  
8 generally relating to the purchase or attempted purchase of alcoholic beverages by  
9 minors.

10 BY adding to

11 Article 27 - Crimes and Punishments  
12 Section 400B  
13 Annotated Code of Maryland  
14 (1992 Replacement Volume and 1995 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article 27 - Crimes and Punishments  
17 Section 402(a) and (b) and 403(a), (b), (f), and (g)  
18 Annotated Code of Maryland  
19 (1992 Replacement Volume and 1995 Supplement)

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

**22 Article 27 - Crimes and Punishments**

23 400B.

24 A PERSON WHO IS UNDER THE AGE OF 21 YEARS MAY NOT PURCHASE OR  
25 ATTEMPT TO PURCHASE AN ALCOHOLIC BEVERAGE.

26 402.

27 (a) Any person under the age of 18 years who violates the provisions of this  
28 subheading shall be issued a citation by a police officer authorized to make arrests and

2

1 shall be subject to the procedures and dispositions provided in Subtitle 8 of Title 3 of the  
2 Courts and Judicial Proceedings Article.

3 (b) Any person 18 years old or older who violates the provisions of this  
4 subheading shall be issued a citation and be subject to the provisions of § 403 of this  
5 subheading.

6 403.

7 (a) For purposes of this section, a violation of the provisions of this subheading is  
8 deemed a Code violation and is a civil offense.

9 (b) A law enforcement officer authorized to make arrests shall issue a citation to  
10 a person if the officer has probable cause to believe that a person is committing or has  
11 committed a Code violation.

12 (f) (1) If a person is found by the District Court to have committed a Code  
13 violation, that person shall be required to pay a fine in an amount not to exceed \$500.

14 (2) If the violation is a repeat offense, that person shall be required to pay  
15 a fine in an amount not to exceed \$1,000.

16 (3) (i) In this paragraph "driver's license" means a license or permit to  
17 drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

18 (ii) This paragraph applies only to:

- 19 1. A person who is at least 18 but under 21 years of age; or  
20 2. A minor if the minor is subject to the jurisdiction of the  
21 court.

22 (iii) If a person is found guilty of a Code violation under § 400 of this  
23 subheading that involved the use of a driver's license or a document purporting to be a  
24 driver's license, a court shall notify the Motor Vehicle Administration of the violation.

25 (iv) The Chief Judge of the District Court, in conjunction with the  
26 Motor Vehicle Administrator, shall establish uniform procedures for reporting Code  
27 violations described in this paragraph.

28 (4) The person shall be liable for the costs of the proceedings in the District  
29 Court.

30 (g) Adjudication of a Code violation is not a criminal conviction for any purpose,  
31 nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 1996.