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6lr0393

(PRE-FILED)

**By: Delegate W. Baker**

Requested: September 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic Matters

Reassigned: Judiciary, January 16, 1996

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 1996

CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Alcoholic Beverages Offenses - ~~Minors~~ Persons Under Age 21 - Purchase or Attempted**  
3 **Purchase**

4 FOR the purpose of prohibiting a person who is under a certain age from purchasing or  
5 attempting to purchase an alcoholic beverage except under a certain circumstance;  
6 providing that a person who is under a certain age who violates this Act is subject to  
7 the procedures and dispositions of the juvenile court; providing that a person who is  
8 at least a certain age who violates this Act is guilty of a civil Code violation under  
9 certain provisions of law; expanding a certain definition; authorizing a court to  
10 order the Motor Vehicle Administration to suspend, for a certain period, the  
11 driving privilege of a child who violates this Act; requiring a police officer to issue a  
12 citation to a child that the officer has probable cause to believe is violating this Act;  
13 and generally relating to the purchase or attempted purchase of alcoholic beverages  
14 by ~~minors~~ persons under a certain age.

15 BY adding to

- 16 Article 27 - Crimes and Punishments
- 17 Section 400B
- 18 Annotated Code of Maryland
- 19 (1992 Replacement Volume and 1995 Supplement)

20 BY repealing and reenacting, without amendments,

- 21 Article 27 - Crimes and Punishments
- 22 Section 402(a) and (b) and 403(a), (b), (f), and (g)
- 23 Annotated Code of Maryland

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1 (1992 Replacement Volume and 1995 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Courts and Judicial Proceedings

4 Section 3-801(u) and 3-835(a)

5 Annotated Code of Maryland

6 (1995 Replacement Volume and 1995 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article - Courts and Judicial Proceedings

9 Section 3-820(d)(1) and (2)

10 Annotated Code of Maryland

11 (1995 Replacement Volume and 1995 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 400B.

16 A PERSON WHO IS UNDER THE AGE OF 21 YEARS MAY NOT PURCHASE OR  
17 ATTEMPT TO PURCHASE AN ALCOHOLIC BEVERAGE UNLESS THE PERSON IS A BONA  
18 FIDE EMPLOYEE OF A LICENSE HOLDER, AS DEFINED IN ARTICLE 2B OF THE CODE,  
19 AND PURCHASES OR ATTEMPTS TO PURCHASE THE ALCOHOLIC BEVERAGES WITHIN  
20 THE SCOPE OF THE PERSON'S EMPLOYMENT.

21 402.

22 (a) Any person under the age of 18 years who violates the provisions of this  
23 subheading shall be issued a citation by a police officer authorized to make arrests and  
24 shall be subject to the procedures and dispositions provided in Subtitle 8 of Title 3 of the  
25 Courts and Judicial Proceedings Article.

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

29 403.

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

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

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

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

3

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

3 (ii) This paragraph applies only to:

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

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

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

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

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

17 **Article - Courts and Judicial Proceedings**

18 3-801.

19 (u) "Violation" means a violation of § 400, § 400A, § 400B, § 401, or § 405A of  
20 Article 27 of the Code and § 26-103 of the Education Article for which a citation is  
21 issued.

22 3-820.

23 (d) (1) (i) Subject to the provisions of item (iii) of this paragraph, in making  
24 a disposition on a finding that the child has committed the violation specified in a  
25 citation, the court may order the Motor Vehicle Administration to initiate an action,  
26 under the motor vehicle laws, to suspend the driving privilege of a child licensed to  
27 operate a motor vehicle by the Motor Vehicle Administration for a specified period of not  
28 less than 30 days nor more than 90 days.

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

31 (iii) In making a disposition on a finding that the child has committed a  
32 violation under Article 27, § 400 of the Code specified in a citation that involved the use  
33 of a driver's license or a document purporting to be a driver's license, the court may order  
34 the Motor Vehicle Administration to initiate an action under the Maryland Vehicle Law  
35 to suspend the driving privilege of a child licensed to operate a motor vehicle by the  
36 Motor Vehicle Administration:

- 37 1. For a first offense, for 6 months; and

