
By: Delegates M. Burns, Redmer, Walkup, Morgan, Mossburg, Dypski, Kittleman, Fulton, Eckardt, Pitkin, Stocksdale, Getty, Baldwin, Menes, Edwards, Rzepkowski, Schade, Jacobs, Morhaim, and DeCarlo

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **False Age Identification Cards - Possession - Prohibited**

3 FOR the purpose of prohibiting an individual under a certain age from possessing a card
4 or document that falsely identifies the age of the individual; providing certain
5 penalties and procedures; providing for the issuance of civil citations, under certain
6 circumstances, by certain police officers, forest and park wardens, and in Anne
7 Arundel, Montgomery, and Prince George's Counties, alcoholic beverages
8 inspectors; making conforming changes; and generally relating to the possession of
9 false age identification cards and documents.

10 BY adding to

11 Article 27 - Crimes and Punishments
12 Section 400B to be under the amended subheading "Alcoholic Beverages Offenses
13 and Misrepresentation of Age"
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1995 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article 27 - Crimes and Punishments
18 Section 402 and 403
19 Annotated Code of Maryland
20 (1992 Replacement Volume and 1995 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article - Courts and Judicial Proceedings
23 Section 3-801(u) and 3-835(a)
24 Annotated Code of Maryland
25 (1995 Replacement Volume and 1995 Supplement)

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

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1 **Article 27 - Crimes and Punishments**

2 Alcoholic Beverages [-] Offenses AND MISREPRESENTATION OF AGE

3 400B.

4 AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT POSSESS A CARD OR
5 DOCUMENT THAT FALSELY IDENTIFIES THE AGE OF THE INDIVIDUAL.

6 402.

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

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

14 (c) In addition to police officers authorized to make arrests, forest and park
15 wardens under § 5-206(a) of the Natural Resources Article may issue citations, as
16 provided in subsections (a) and (b) of this section, in State forestry preservations, State
17 parks, historic monuments, and recreation areas for the purpose of enforcing this subtitle.

18 (d) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, the
19 alcoholic beverages inspectors in Anne Arundel County, Montgomery County, and Prince
20 George's County who investigate license violations under Article 2B of the Code may
21 issue citations as provided in subsections (a) and (b) of this section only for the purpose
22 of enforcing this subheading within their respective jurisdictions.

23 (2) Before issuing citations under this section, alcoholic beverages
24 inspectors shall successfully complete an appropriate program of training in the proper
25 use of arrest authority and pertinent police procedure as required by the board of license
26 commissioners.

27 (3) Alcoholic beverages inspectors may not carry firearms in the
28 performance of their duties.

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 (c) (1) A citation issued under this section shall be signed by the issuing officer
36 and shall contain:

37 (i) The name and address of the person charged;

38 (ii) The person's signature;

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- 1 (iii) The statute allegedly violated;
- 2 (iv) The date, location, and time that the violation occurred;
- 3 (v) The fine that may be imposed;
- 4 (vi) A notice stating that prepayment of the fine is not permitted; and
- 5 (vii) A notice stating that the District Court shall promptly send the
- 6 person a summons to appear for trial.

7 (2) The form of the citation issued under this section should be uniform

8 throughout the State and shall be as prescribed by the District Court.

9 (d) The Chief Judge of the District Court may not establish a schedule for the

10 prepayment of fines.

11 (e) (1) The issuing jurisdiction shall forward to the District Court having venue

12 a copy of the citation and a request for a trial.

13 (2) The District Court shall promptly schedule the case for trial and

14 summon the defendant to appear. The defendant's failure to respond to the summons

15 shall be contempt of court.

16 (f) (1) If a person is found by the District Court to have committed a Code

17 violation, that person shall be required to pay a fine in an amount not to exceed \$500.

18 (2) If the violation is a repeat offense, that person shall be required to pay

19 a fine in an amount not to exceed \$1,000.

20 (3) (i) In this paragraph "driver's license" means a license or permit to

21 drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

22 (ii) This paragraph applies only to:

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

26 (iii) If a person is found guilty of a Code violation under § 400 of this

27 subheading that involved the use of a driver's license or a document purporting to be a

28 driver's license, a court shall notify the Motor Vehicle Administration of the violation.

29 (iv) The Chief Judge of the District Court, in conjunction with the

30 Motor Vehicle Administrator, shall establish uniform procedures for reporting Code

31 violations described in this paragraph.

32 (4) The person shall be liable for the costs of the proceedings in the District

33 Court.

34 (g) Adjudication of a Code violation is not a criminal conviction for any purpose,

35 nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

36 (h) In any proceeding for a Code violation:

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1 (1) The State has the burden to prove the guilt of the defendant to the same
2 extent as is required by law in the trial of criminal causes, and in any such proceeding, the
3 court shall apply the evidentiary standards as prescribed by law or rule for the trial of
4 criminal causes;

5 (2) The court shall ensure that the defendant has received a copy of the
6 charges against him and that he understands those charges. In such proceedings, the
7 defendant is entitled to cross-examine all witnesses who appear against him, to produce
8 evidence or witnesses in his own behalf, or to testify in his own behalf, if he elects to do
9 so;

10 (3) The defendant is entitled to be represented by counsel of his own
11 selection and at his own expense; and

12 (4) The defendant may enter a plea of guilty or not guilty, and the verdict of
13 the court in the case shall be:

14 (i) Guilty of a Code violation;

15 (ii) Not guilty of a Code violation; or

16 (iii) Before rendering judgment, the court may place the defendant on
17 probation in the same manner and to the same extent as is permitted by law in the trial of
18 a criminal case.

19 (i) The court costs in a Code violation case in which costs are imposed are \$5. A
20 defendant is liable for payment to the Criminal Injuries Compensation Fund.

21 (j) When a defendant has been found guilty of a Code violation and a fine has
22 been imposed by the court, the court may direct that the payment of the fine be
23 suspended or deferred under such conditions as the court may establish. When any
24 defendant has been found guilty of a Code violation and willfully fails to pay the fine
25 imposed by the court, that willful failure may be treated as a criminal contempt of court,
26 for which the defendant may be punished by the court as provided by law.

27 (k) A defendant who has been found guilty of a Code violation has the right to
28 appeal or to file a motion for a new trial or a motion for a revision of a judgment provided
29 by law in the trial of a criminal case. The motions shall be made in the same manner
30 provided in the trial of criminal cases, and the court, in ruling on the motions, has the
31 same authority provided in the trial of criminal cases.

32 (l) The State's Attorney of any county may prosecute a Code violation in the
33 same manner as prosecution of a violation of the criminal laws of this State. The State's
34 Attorney is authorized to enter a nolle prosequi in such cases or to place such cases on
35 the stet docket, and to exercise authority in the same manner prescribed by law for
36 violation of the criminal laws of this State.

37 **Article - Courts and Judicial Proceedings**

38 3-801.

HOUSE BILL 487

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

4 3-835.

5 (a) A law enforcement officer authorized to make arrests shall issue a citation to
6 a child if the officer has probable cause to believe that the child is violating:

7 (1) Article 27, § 400, § 400A, § 400B, § 401, or § 405A of the Code; or

8 (2) § 26-103 of the Education Article.

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