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SB 194/95 - JPR

1996 Regular Session
6lr0618

By: ~~Senator Dorman~~ Senators Dorman, Forehand, and Jimeno

Introduced and read first time: January 15, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 31, 1996

CHAPTER ____

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 for the
5 issuance of civil citations by certain police officers, forest and park wardens, and in
6 Anne Arundel, Montgomery, and Prince George's Counties, alcoholic beverages
7 inspectors; making conforming changes; and generally relating to the possession of
8 false age identification cards and documents.

9 BY adding to

10 Article 27 - Crimes and Punishments
11 Section 400B to be under the amended subheading "Alcoholic Beverages Offenses
12 and Misrepresentation of Age"
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 and 403
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

20 BY repealing and reenacting, with amendments,

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

2

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

3 **Article 27 - Crimes and Punishments**

4 Alcoholic Beverages [-] Offenses AND MISREPRESENTATION OF AGE

5 400B.

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

8 402.

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

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

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

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

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

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

31 403.

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

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

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

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

9 (2) The form of the citation issued under this section should be uniform
10 throughout the State and shall be as prescribed by the District Court.

11 (d) The Chief Judge of the District Court may not establish a schedule for the
12 prepayment of fines.

13 (e) (1) The issuing jurisdiction shall forward to the District Court having venue
14 a copy of the citation and a request for a trial.

15 (2) The District Court shall promptly schedule the case for trial and
16 summon the defendant to appear. The defendant's failure to respond to the summons
17 shall be contempt of court.

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

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

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

24 (ii) This paragraph applies only to:

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

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

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

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

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

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

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

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

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

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

17 (i) Guilty of a Code violation;

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

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

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

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

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

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

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1 **Article - Courts and Judicial Proceedings**

2 3-801.

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

6 3-835.

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

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

10 (2) § 26-103 of the Education Article.

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