

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL NO. 532
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “expanding” in line 4 down through “beverages” in line 8 and substitute “authorizing the Board of License Commissioners for Baltimore City to petition the Circuit Court for a certain order restricting the hours and days for the sale and consumption of certain alcoholic beverages on certain licensed premises under certain circumstances; requiring the Circuit Court to make certain findings before issuing the order; limiting the duration of the Circuit Court’s order; providing that the Circuit Court’s order is stayed under certain circumstances; providing for the construction of a certain provision of law”; in line 9, after “Commissioners” insert “and the sale and consumption of alcoholic beverages in Baltimore City”; in line 12, after “11-302,” insert “and”; and in the same line, strike “, and 11-305”.

AMENDMENT NO. 2

On page 2, in lines 35 and 37, in each instance, strike the bracket.

On page 3, in lines 1 and 2, strike “, FOR CAUSE ONLY,”; after line 2, insert:

“(H) (1) IN BALTIMORE CITY, IN RESPONSE TO A COMPLAINT, THE BOARD OF LICENSE COMMISSIONERS MAY PETITION THE CIRCUIT COURT FOR AN ORDER THAT LIMITS THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF BEER ON A LICENSEE’S PREMISES.

“(2) THE CIRCUIT COURT MAY ISSUE A TEMPORARY ORDER THAT LIMITS THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF BEER ON THE LICENSED PREMISES IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE ACTIVITIES ARISING FROM SALE AND CONSUMPTION OF

(Over)

BEER ON THE LICENSED PREMISES RESULT IN AN EXTREME AND CONTINUING DISTURBANCE TO A RESIDENTIAL COMMUNITY;

(II) THE LICENSEE HAS FAILED TO EXERCISE GOOD FAITH IN ATTEMPTING TO REMEDY THE DISTURBANCE AT THE REQUEST OR ORDER OF THE BOARD OF LICENSE COMMISSIONERS; AND

(III) THE BOARD HAS BEEN UNABLE TO PROVIDE RELIEF TO THE RESIDENTIAL COMMUNITY BY EXERCISING ITS AUTHORITY TO SUSPEND THE LICENSE OR REPRIMAND THE LICENSEE.

(3) THE DURATION OF THE ORDER OF THE COURT MAY NOT EXCEED THE DURATION OF THE LICENSE TERM.

(4) PENDING AN APPEAL FROM THE ORDER OF THE COURT, THE ORDER SHALL BE STAYED.

(5) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT ANY OTHER POWERS OF THE BOARD OF LICENSE COMMISSIONERS.”;

in line 13, strike “In” and substitute “EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (H) AND (I) OF THIS SECTION, IN”; strike beginning with “by” in line 23 down through “section” in line 24 and substitute “IN SUBSECTIONS (H) AND (I) OF THIS SECTION”; and strike beginning with “by” in line 34 down through “section” in line 35 and substitute “IN SUBSECTIONS (H) AND (I) OF THIS SECTION”.

On page 4, in lines 22 and 24, in each instance, strike the bracket; in lines 25 and 26, strike “FOR CAUSE ONLY.”; after line 26, insert:

“(I) (1) IN BALTIMORE CITY, IN RESPONSE TO A COMPLAINT, THE BOARD OF LICENSE COMMISSIONERS MAY PETITION THE CIRCUIT COURT FOR AN ORDER THAT LIMITS THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF BEER AND LIGHT WINE ON A LICENSEE’S PREMISES.

(2) THE CIRCUIT COURT MAY ISSUE A TEMPORARY ORDER THAT LIMITS THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF BEER AND LIGHT WINE ON THE LICENSED PREMISES IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE ACTIVITIES ARISING FROM SALE AND CONSUMPTION OF BEER AND LIGHT WINE ON THE LICENSED PREMISES RESULT IN AN EXTREME AND CONTINUING DISTURBANCE TO A RESIDENTIAL COMMUNITY;

(II) THE LICENSEE HAS FAILED TO EXERCISE GOOD FAITH IN ATTEMPTING TO REMEDY THE DISTURBANCE AT THE REQUEST OR ORDER OF THE BOARD OF LICENSE COMMISSIONERS; AND

(III) THE BOARD HAS BEEN UNABLE TO PROVIDE RELIEF TO THE RESIDENTIAL COMMUNITY BY EXERCISING ITS AUTHORITY TO SUSPEND THE LICENSE OR REPRIMAND THE LICENSEE.

(3) THE DURATION OF THE ORDER OF THE COURT MAY NOT EXCEED THE DURATION OF THE LICENSE TERM.

(4) PENDING AN APPEAL FROM THE ORDER OF THE CIRCUIT COURT, THE ORDER SHALL BE STAYED.

(5) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT ANY OTHER POWERS OF THE BOARD OF LICENSE COMMISSIONERS.”.

On page 5, strike beginning with “by” in line 23 down through “section” in line 24 and substitute “IN SUBSECTIONS (E) AND (F) OF THIS SECTION”; and in lines 34 and 36, in each instance, strike the bracket.

On page 6, in lines 1 and 2, strike “, FOR CAUSE ONLY,”; after line 2, insert:

“(F) (1) IN BALTIMORE CITY, IN RESPONSE TO A COMPLAINT, THE BOARD OF LICENSE COMMISSIONERS MAY PETITION THE CIRCUIT COURT FOR AN ORDER THAT LIMITS THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF BEER, WINE, AND LIQUOR ON A LICENSEE’S PREMISES.

(2) THE CIRCUIT COURT MAY ISSUE A TEMPORARY ORDER THAT LIMITS

(Over)

THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF BEER, WINE, AND LIQUOR ON THE LICENSED PREMISES IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

(I) THE ACTIVITIES ARISING FROM SALE AND CONSUMPTION OF BEER, WINE, AND LIQUOR ON THE LICENSED PREMISES RESULT IN AN EXTREME AND CONTINUING DISTURBANCE TO A RESIDENTIAL COMMUNITY;

(II) THE LICENSEE HAS FAILED TO EXERCISE GOOD FAITH IN ATTEMPTING TO REMEDY THE DISTURBANCE AT THE REQUEST OR ORDER OF THE BOARD OF LICENSE COMMISSIONERS; AND

(III) THE BOARD HAS BEEN UNABLE TO PROVIDE RELIEF TO THE RESIDENTIAL COMMUNITY BY EXERCISING ITS AUTHORITY TO SUSPEND THE LICENSE OR REPRIMAND THE LICENSEE.

(3) THE DURATION OF THE ORDER OF THE COURT MAY NOT EXCEED THE DURATION OF THE LICENSE TERM.

(4) PENDING AN APPEAL FROM THE ORDER OF THE CIRCUIT COURT, THE ORDER SHALL BE STAYED.

(5) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT ANY OTHER POWERS OF THE BOARD OF LICENSE COMMISSIONERS.”;

and strike in their entirety lines 3 through 31, inclusive.