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**By: Delegate W. Baker**

Introduced and read first time: February 21, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

**2 Alcoholic Beverages Offenses - Persons Under Age 21 - 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; establishing certain exceptions;  
5 providing that a person who is under a certain age who violates this Act is subject to  
6 the procedures and dispositions of the juvenile court; providing that a person who is  
7 at least a certain age who violates this Act is guilty of a civil Code violation under  
8 certain provisions of law; requiring a court, under certain circumstances, to notify  
9 the Motor Vehicle Administration of a violation of this Act and providing for the  
10 suspension of the driver's license of an individual who is the subject of the notice;  
11 expanding a certain definition; authorizing a court to order the Motor Vehicle  
12 Administration to suspend, for a certain period, the driving privilege of a child who  
13 violates this Act; requiring a police officer to issue a citation to a child that the  
14 officer has probable cause to believe is violating this Act; and generally relating to  
15 the purchase or attempted purchase of alcoholic beverages by persons under a  
16 certain age.

17 BY adding to

18 Article 27 - Crimes and Punishments  
19 Section 400C  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume)

22 BY repealing and reenacting, without amendments,

23 Article 27 - Crimes and Punishments  
24 Section 402(a) and (b) and 403(a), (b), and (g)  
25 Annotated Code of Maryland  
26 (1996 Replacement Volume)

27 BY repealing and reenacting, with amendments,

28 Article 27 - Crimes and Punishments  
29 Section 403(f)  
30 Annotated Code of Maryland  
31 (1996 Replacement Volume)

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1 BY repealing and reenacting, with amendments,  
2 Article - Courts and Judicial Proceedings  
3 Section 3-801(u), 3-820(d), and 3-835(a)  
4 Annotated Code of Maryland  
5 (1995 Replacement Volume and 1996 Supplement)

6 BY repealing and reenacting, without amendments,  
7 Article - Transportation  
8 Section 16-206(b)  
9 Annotated Code of Maryland  
10 (1992 Replacement Volume and 1996 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 400C.

15 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON  
16 WHO IS UNDER THE AGE OF 21 YEARS MAY NOT PURCHASE OR ATTEMPT TO  
17 PURCHASE AN ALCOHOLIC BEVERAGE.

18 (B) A PERSON WHO IS UNDER 21 YEARS OF AGE MAY PURCHASE OR ATTEMPT  
19 TO PURCHASE AN ALCOHOLIC BEVERAGE IF:

20 (1) THE PERSON IS A BONA FIDE EMPLOYEE OF A LICENSE HOLDER, AS  
21 DEFINED IN ARTICLE 2B OF THE CODE, AND PURCHASES OR ATTEMPTS TO  
22 PURCHASE THE ALCOHOLIC BEVERAGES WITHIN THE SCOPE OF THE PERSON'S  
23 EMPLOYMENT; OR

24 (2) THE PERSON IS ACTING UNDER THE SUPERVISION OF A LAW  
25 ENFORCEMENT OFFICER IN CONNECTION WITH THE INVESTIGATION OF  
26 ALCOHOL-RELATED OFFENSES.

27 402.

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

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

35 403.

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

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

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

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

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

10 (ii) This paragraph applies only to:

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

14 (iii) If a person is found guilty of a Code violation under § 400 OR §  
15 400C of this subheading that involved the use of a driver's license or a document  
16 purporting to be a driver's license, a court shall notify the Motor Vehicle Administration  
17 of the violation.

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

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

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

## 25 **Article - Courts and Judicial Proceedings**

26 3-801.

27 (u) "Violation" means a violation of § 400, § 400A, § 400B, § 400C, § 401, or §  
28 405A of Article 27 of the Code and § 26-103 of the Education Article for which a citation  
29 is issued.

30 3-820.

31 (d) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this  
32 paragraph, in making a disposition on a finding that the child has committed the violation  
33 specified in a citation, the court may order the Motor Vehicle Administration to initiate  
34 an action, under the motor vehicle laws, to suspend the driving privilege of a child  
35 licensed to operate a motor vehicle by the Motor Vehicle Administration for a specified  
36 period of not less than 30 days nor more than 90 days.

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

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

- 7 1. For a first offense, for 6 months; and  
8 2. For a second or subsequent offense, until the child is 21 years  
9 old.

10 (iv) In making a disposition on a finding that the child has committed a  
11 violation under § 26-103 of the Education Article, the court shall order the Motor  
12 Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the  
13 driving privilege of a child licensed to operate a motor vehicle by the Motor Vehicle  
14 Administration for a specified period of not less than 30 days nor more than 90 days.

15 (v) If a child subject to a suspension under this subsection does not  
16 hold a license to operate a motor vehicle on the date of the disposition, the suspension  
17 shall commence:

- 18 1. If the child is at least 16 years of age on the date of the  
19 disposition, on the date of the disposition; or  
20 2. If the child is younger than 16 years of age on the date of the  
21 disposition, on the date the child reaches the child's 16th birthday.

22 (2) In addition to the dispositions under paragraph (1) of this subsection,  
23 the court also may:

24 (i) Counsel the child or the parent or both, or order the child to  
25 participate in an alcohol education or rehabilitation program that is in the best interest of  
26 the child;

27 (ii) Impose a civil fine of not more than \$25 for the first violation and  
28 a civil fine of not more than \$100 for the second and subsequent violations; or

29 (iii) Order the child to participate in a supervised work program for not  
30 more than 20 hours for the first violation and not more than 40 hours for the second and  
31 subsequent violations.

32 (3) (i) The provisions of paragraphs (1) and (2) of this subsection do not  
33 apply to a child found to have committed a violation under Article 27, § 405A of the  
34 Code.

35 (ii) In making a disposition on a finding that the child has committed a  
36 violation under Article 27, § 405A of the Code, the court may:

- 37 1. Counsel the child or the parent or both, or order the child to  
38 participate in a smoking cessation clinic, or other suitable presentation of the hazards  
39 associated with tobacco use that is in the best interest of the child;



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1 (ii) The child or individual is required to drive a motor vehicle in the  
2 course of employment;

3 (iii) It finds that the individual's or child's employment would be  
4 adversely affected because the individual or child has no reasonable alternative means of  
5 transportation to or from a place of employment; or

6 (iv) It finds that the individual's or child's education would be  
7 adversely affected because the individual or child has no reasonable alternative means of  
8 transportation for educational purposes.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 1997.