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HB 37/96 - JUD

1997 Regular Session  
7lr2924

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**By: Delegate W. Baker**

Introduced and read first time: February 21, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

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CHAPTER \_\_\_\_

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

2

1 (1996 Replacement Volume)

2 ~~BY repealing and reenacting, with amendments,~~

3 ~~Article 27—Crimes and Punishments~~

4 ~~Section 403(f)~~

5 ~~Annotated Code of Maryland~~

6 ~~(1996 Replacement Volume)~~

7 BY repealing and reenacting, with amendments,

8 Article - Courts and Judicial Proceedings

9 Section 3-801(u), ~~3-820(d)~~, and 3-835(a)

10 Annotated Code of Maryland

11 (1995 Replacement Volume and 1996 Supplement)

12 BY repealing and reenacting, without amendments,

13 ~~Article—Transporation~~

14 ~~Section 16-206(b)~~

15 ~~Annotated Code of Maryland~~

16 ~~(1992 Replacement Volume and 1996 Supplement)~~

17 Article - Courts and Judicial Proceedings

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

19 Annotated Code of Maryland

20 (1995 Replacement Volume and 1996 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article 27 - Crimes and Punishments**

24 400C.

25 ~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON~~

26 WHO IS UNDER THE AGE OF 21 YEARS MAY NOT PURCHASE OR ATTEMPT TO

27 PURCHASE AN ALCOHOLIC BEVERAGE.

28 ~~(B) A PERSON WHO IS UNDER 21 YEARS OF AGE MAY PURCHASE OR ATTEMPT~~

29 TO PURCHASE AN ALCOHOLIC BEVERAGE IF:

30 ~~(1) UNLESS THE PERSON IS A BONA FIDE EMPLOYEE OF A LICENSE~~

31 HOLDER, AS DEFINED IN ARTICLE 2B OF THE CODE, AND PURCHASES OR ATTEMPTS

32 TO PURCHASE THE ALCOHOLIC BEVERAGES WITHIN THE SCOPE OF THE PERSON'S

33 EMPLOYMENT;~~OR~~

34 ~~(2) THE PERSON IS ACTING UNDER THE SUPERVISION OF A LAW~~

35 ENFORCEMENT OFFICER IN CONNECTION WITH THE INVESTIGATION OF

36 ALCOHOL-RELATED OFFENSES.

3

1 402.

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

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

9 403.

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

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

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

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

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

21 (ii) This paragraph applies only to:

22 1. A person who is at least 18 but under 21 years of age; or

23 2. A minor if the minor is subject to the jurisdiction of the  
24 court.

25 (iii) If a person is found guilty of a Code violation under § 400 ~~OR~~ §  
26 400C of this subheading that involved the use of a driver's license or a document  
27 purporting to be a driver's license, a court shall notify the Motor Vehicle Administration  
28 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.

4

1 **Article - Courts and Judicial Proceedings**

2 3-801.

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

6 3-820.

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

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

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

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

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

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

- 32 1. If the child is at least 16 years of age on the date of the  
33 disposition, on the date of the disposition; or  
34 2. If the child is younger than 16 years of age on the date of the  
35 disposition, on the date the child reaches the child's 16th birthday.

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

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

5

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

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

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

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

11 ~~1. Counsel the child or the parent or both, or order the child to~~  
12 ~~participate in a smoking cessation clinic, or other suitable presentation of the hazards~~  
13 ~~associated with tobacco use that is in the best interest of the child;~~

14 ~~2. Impose a civil fine of not more than \$25 for the first violation~~  
15 ~~and a civil fine of not more than \$100 for a second or subsequent violation; or~~

16 ~~3. Order the child to participate in a supervised work program~~  
17 ~~for not more than 20 hours for the first violation and not more than 40 hours for a second~~  
18 ~~or subsequent violation.~~

19 3-835.

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

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

24 (2) § 26-103 of the Education Article.

25 **~~Article—Transportation~~**

26 ~~16-206.~~

27 (b) ~~(1) Pursuant to a court order under § 3-820(d) of the Courts Article, the~~  
28 ~~Administration shall initiate an action to suspend the driving privileges of a child for the~~  
29 ~~time specified by the court.~~

30 ~~(2) If a child subject to a suspension under § 3-820(d) of the Courts Article~~  
31 ~~does not hold a license to operate a motor vehicle on the date of the court order, the~~  
32 ~~suspension shall commence:~~

33 (i) ~~If the child is at least 16 years of age on the date of the disposition,~~  
34 ~~on the date of the disposition; or~~

35 (ii) ~~If the child is younger than 16 years of age on the date of the~~  
36 ~~disposition, on the date the child reaches the child's 16th birthday.~~

1                   ~~(3) On receipt of a notice described under Article 27, § 403(f) of the Code,~~  
2 ~~the Administration shall suspend the license of an individual described under Article 27,~~  
3 ~~§ 403(f) of the Code:~~

4                   ~~(i) For a first offense, for 6 months; and~~

5                   ~~(ii) For a second or subsequent offense, until the individual is 21 years~~  
6 ~~old or for a period of 1 year, whichever is longer.~~

7                   ~~(4) If an individual subject to a suspension under paragraph (3) of this~~  
8 ~~subsection does not hold a license to operate a motor vehicle on the date that the~~  
9 ~~individual is found guilty of a Code violation, the suspension shall begin on the date that~~  
10 ~~the license is issued, or after the individual applies and becomes qualified to receive a~~  
11 ~~license, or on the individual's twenty first birthday, whichever occurs first.~~

12                   ~~(5) The Administration may modify a suspension under this subsection or~~  
13 ~~issue a restricted license if:~~

14                   ~~(i) The license is required for the purpose of attending an alcohol~~  
15 ~~education or alcoholic prevention or treatment program;~~

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

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

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

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