
By: **Delegates Barkley, Boschert, Bronrott, Burns, Carlson, Cryor, Heller,
Hutchins, Hubers, Kopp, Mandel, Menes, Petzold, Shriver, and Stern**

Introduced and read first time: February 4, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Underage Violations - Misdemeanors**

3 FOR the purpose of altering certain underage alcoholic beverages violations from civil
4 offenses to misdemeanors; repealing certain provisions that establish certain
5 criminal procedures for certain underage alcoholic beverages violations; altering
6 the amount a court may charge a defendant for court costs in a proceeding for
7 certain underage alcoholic beverages violations; establishing that a court may
8 place a defendant on probation before judgment only for certain alcoholic
9 beverages offenses; making stylistic changes; and generally relating to underage
10 alcoholic beverages violations.

11 BY repealing and reenacting, without amendments,
12 Article 27 - Crimes and Punishments
13 Section 400, 400B, 401, 401A, and 401B
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 27 - Crimes and Punishments
18 Section 400A and 403
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1999 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Transportation
23 Section 16-206(c)(3)
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 1999 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Transportation
28 Section 16-206(c)(4)

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 1999 Supplement)

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

5 **Article 27 - Crimes and Punishments**

6 400.

7 It is unlawful for a person to knowingly and willfully make a misrepresentation
8 or false statement as to the age of that person or another to any person licensed to sell
9 alcoholic beverages or engaged in the sale of alcoholic beverages, for the purpose of
10 unlawfully obtaining, procuring, having unlawfully furnished to a person, or inducing
11 to unlawfully furnish to a person an alcoholic beverage.

12 400A.

13 It is unlawful for any person under the age of 21 years to have in [his] THE
14 PERSON'S possession, or under [his] THE PERSON'S charge or control, any alcoholic
15 beverage unless the person is a bona fide employee of the license holder, as defined in
16 Article 2B, and has in [his] THE PERSON'S possession, or under [his] THE PERSON'S
17 charge or control, alcoholic beverages during regular working hours and in the course
18 of [his] THE PERSON'S employment.

19 400B.

20 An individual under the age of 21 years may not possess a card or document that
21 falsely identifies the age of the individual under circumstances that reasonably
22 indicate an intention to violate the provisions of this subheading.

23 401.

24 It is unlawful for any person to obtain any alcoholic beverages from any person
25 licensed to sell alcoholic beverages for consumption by any person under 21 years of
26 age, knowing that the person is under 21 years of age.

27 401A.

28 (a) Except as provided in subsection (c) of this section, a person may not
29 furnish any alcoholic beverage to another person if:

30 (1) The person furnishing the beverage knows that the person is under
31 21 years of age; and

32 (2) The alcoholic beverage is furnished for the purpose of consumption by
33 the person under 21 years of age.

34 (b) Except as provided in subsection (c) of this section, an adult may not
35 knowingly and willfully allow an individual under 21 years of age to actually possess

1 or consume an alcoholic beverage at the residence, or within the curtilage of the
2 residence, that:

3 (1) The adult owns and in which the adult resides; or

4 (2) The adult leases as a tenant and in which the adult resides.

5 (c) (1) The prohibition set forth in subsection (a) of this section does not
6 apply if the person furnishing the alcoholic beverage and the person to whom the
7 alcoholic beverage is served:

8 (i) Are members of the same immediate family, and the beverage is
9 furnished and consumed in a private residence or within the curtilage of the
10 residence; or

11 (ii) Are participants in a religious ceremony.

12 (2) The prohibition set forth in subsection (b) of this section does not
13 apply if the adult allowing the possession or consumption of the alcoholic beverage
14 and the individual under the age of 21 years who possesses or consumes the alcoholic
15 beverage:

16 (i) Are members of the same immediate family, and the beverage is
17 possessed and consumed in a private residence, or within the curtilage of the
18 residence, of the adult; or

19 (ii) Are participants in a religious ceremony.

20 401B.

21 (a) Except for a person licensed as an alcoholic beverages licensee under
22 Article 2B of the Code that possesses a keg in the course of that person's business, a
23 person may not knowingly:

24 (1) Possess a keg that has not been registered under or does not have a
25 registration form affixed to it as required by Article 2B, § 21-106 of the Code; or

26 (2) Remove, alter, or obliterate, or allow to be removed, altered, or
27 obliterated, a registration form that is affixed to a keg.

28 (b) A person may not permit an individual under 21 years of age to consume
29 any of the contents of a keg purchased by that person.

30 403.

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

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

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

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

4 (ii) The person's signature;

5 (iii) The statute allegedly violated;

6 (iv) The date, location, and time that the violation occurred;

7 (v) The fine that may be imposed;

8 (vi) A notice stating that prepayment of the fine is not permitted;

9 and

10 (vii) A notice stating that the District Court shall promptly send the
11 person a summons to appear for trial.

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

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

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

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

21 (f) (1) If a person is found by the District Court to have committed a [Code
22 violation] MISDEMEANOR UNDER THIS SUBHEADING, that person shall be required
23 to pay a fine in an amount not to exceed \$500.

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

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

29 (ii) This paragraph applies only to:

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

31 2. A minor if the minor is subject to the jurisdiction of the

32 court.

1 (iii) If a person is found guilty of a [Code violation] MISDEMEANOR
2 under [§ 400] § 401A OR § 401B of this subheading that involved the use of a driver's
3 license or a document purporting to be a driver's license, a court shall notify the Motor
4 Vehicle Administration of the violation.

5 (iv) The Chief Judge of the District Court, in conjunction with the
6 Motor Vehicle Administrator, shall establish uniform procedures for reporting [Code
7 violations] MISDEMEANORS described in this paragraph.

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

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

13 (h) In any proceeding for a Code violation:]

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

18 (2)] The court shall ensure that the defendant has received a copy of the
19 charges against [him] THE DEFENDANT and that [he] THE DEFENDANT
20 understands those charges. In such proceedings, the defendant is entitled to
21 cross-examine all witnesses who appear against [him] THE DEFENDANT, to produce
22 evidence or witnesses in [his] THE DEFENDANT'S own behalf, or to testify in [his]
23 THE DEFENDANT'S own behalf, if [he] THE DEFENDANT elects to do so.[];

24 (3)] (2) The defendant is entitled to be represented by counsel of [his]
25 THE DEFENDANT'S own selection and at [his] THE DEFENDANT'S own expense.[]; and

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

28 (i) Guilty of a Code violation;

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

30 (iii)] (3) Before rendering judgment, the court may place the
31 defendant on probation [in the same manner and to the same extent as is permitted
32 by law in the trial of a criminal case] FOR A FIRST OFFENSE ONLY.

33 [(i)] (H) The court costs in a [Code violation] MISDEMEANOR case UNDER
34 THIS SUBHEADING in which costs are imposed are [§5] THOSE DEEMED
35 APPROPRIATE BY THE COURT. A defendant is liable for payment to the Criminal
36 Injuries Compensation Fund.

