
By: **Charles County Delegation**
Introduced and read first time: February 21, 2000
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Alcoholic Beverages - Sales to Underage Persons**

3 FOR the purpose of authorizing in Charles County a civil fine for certain employees
4 who sell or furnish alcoholic beverages to underage persons; authorizing the
5 Charles County Sheriff's Office to issue a citation under certain circumstances;
6 and generally relating to the selling or furnishing of alcoholic beverages to
7 underage persons in Charles County.

8 BY repealing and reenacting, with amendments,
9 Article 2B - Alcoholic Beverages
10 Section 12-108(a)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 1999 Supplement)

13 BY adding to
14 Article 2B - Alcoholic Beverages
15 Section 12-108(g)
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1999 Supplement)

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

20 **Article 2B - Alcoholic Beverages**

21 12-108.

22 (a) (1) A licensee licensed under this article, or any employee of the licensee,
23 may not sell or furnish any alcoholic beverages at any time to a person under 21 years
24 of age:

25 (i) For the underage person's own use or for the use of any other
26 person; or

1 (ii) To any person who, at the time of the sale, or delivery, is visibly
2 under the influence of any alcoholic beverage.

3 (2) Any licensee or any employee of the licensee who is charged with a
4 violation of this subsection shall receive a summons to appear in court on a certain
5 day to answer the charges placed against that person. The person charged may not be
6 required to post bail bond pending trial in any court of this State.

7 (3) (i) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
8 PARAGRAPH, A licensee or employee of the licensee violating any of the provisions of
9 this subsection is guilty of a misdemeanor and, upon conviction, suffers the CRIMINAL
10 penalties provided by § 16-503 of this article.

11 (II) IN CHARLES COUNTY, A LICENSEE OR EMPLOYEE OF THE
12 LICENSEE VIOLATING ANY OF THE PROVISIONS OF THIS SUBSECTION IS GUILTY OF A
13 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

14 A. THE CRIMINAL PENALTIES UNDER § 16-503 OF THIS
15 ARTICLE; OR

16 B. THE CIVIL FINE FOR EMPLOYEES PROVIDED BY
17 SUBSECTION (G) OF THIS SECTION.

18 (ii) A licensee or employee of the licensee who is charged with
19 selling or furnishing any alcoholic beverages to a person under 21 years of age may
20 not be found guilty of a violation of this subsection, if the person establishes to the
21 satisfaction of the jury or the court sitting as a jury that the person used due caution
22 to establish that the person under 21 years of age was not, in fact, a person under 21
23 years of age if a nonresident of the State.

24 (iii) If the person is a resident of the State of Maryland, the licensee
25 or employee of the licensee may accept, as proof of a person's age, the display of the
26 person's driver's license or identification card as provided for in the Maryland Vehicle
27 Law.

28 (iv) Except as otherwise provided in this section, if any licensee or
29 employee of the licensee is found not guilty, or placed on probation without a verdict,
30 of any alleged violation of this subsection, this finding operates as a complete bar to
31 any proceeding by any alcoholic beverage law enforcement or licensing authorities
32 against the licensee on account of the alleged violation.

33 (G) (1) THIS SUBSECTION APPLIES ONLY IN CHARLES COUNTY.

34 (2) A LICENSEE'S EMPLOYEE WHO VIOLATES SUBSECTION (A) OF THIS
35 SECTION MAY BE ISSUED A CITATION BY THE CHARLES COUNTY SHERIFF'S OFFICE
36 AND IS SUBJECT TO A CIVIL PENALTY OF \$50 FOR EACH OFFENSE.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 2000.