

SENATE BILL 553

Emergency Bill

Unofficial Copy

A2

2001 Regular Session

1r1348

---

By: **Senator Colburn**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

---

Committee Report: Favorable

Senate action: Adopted

Read second time: March 19, 2001

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Caroline County - Alcoholic Beverages - Disciplinary Proceedings Against**  
3 **Licensees**

4 FOR the purpose of excepting Caroline County from the counties in which an  
5 alcoholic beverages law enforcement or licensing authority may not proceed  
6 against a licensee when the licensee or an employee of the licensee has been  
7 found not guilty or given probation without a verdict in a criminal proceeding for  
8 selling alcoholic beverages to a minor or an intoxicated person; excepting  
9 Caroline County from the counties in which a certain bail bond prohibition and  
10 a certain defense apply in a criminal proceeding against a licensee or employee  
11 for selling alcoholic beverages to a minor or an intoxicated person; establishing  
12 that in Caroline County the granting of probation before judgment to a licensee  
13 or employee for selling alcoholic beverages to a minor or an intoxicated person  
14 does not bar the Board of License Commissioners from proceeding  
15 administratively against the licensee for the violation; making this Act an  
16 emergency measure; and generally relating to disciplinary proceedings in  
17 Caroline County against an alcoholic beverages licensee for selling alcoholic  
18 beverages to a minor or an intoxicated person.

19 BY repealing and reenacting, without amendments,  
20 Article 2B - Alcoholic Beverages  
21 Section 12-108(a) and (c)(2) and (5)  
22 Annotated Code of Maryland  
23 (1998 Replacement Volume and 2000 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article 2B - Alcoholic Beverages

1 Section 12-108(c)(1) and (f)  
2 Annotated Code of Maryland  
3 (1998 Replacement Volume and 2000 Supplement)

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

6 **Article 2B - Alcoholic Beverages**

7 12-108.

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

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

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

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

19 (3) (i) A licensee or employee of the licensee violating any of the  
20 provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers  
21 the penalties provided by § 16-503 of this article.

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

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

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

37 (c) (1) This subsection applies only in the following counties:

- 1 (i) CAROLINE COUNTY;
- 2 (II) Carroll County;
- 3 [(ii)] (III) Frederick County;
- 4 [(iii)] (IV) Harford County;
- 5 [(iv)] (V) Somerset County;
- 6 [(v)] (VI) Talbot County; and
- 7 [(vi)] (VII) Wicomico County.

8 (2) A licensee under the provisions of this article, or any of the licensee's  
 9 employees, may not sell or furnish any alcoholic beverages at any time to a person  
 10 under 21 years of age, either for that person's own use or for the use of any other  
 11 person, or to any person who, at the time of such sale or delivery, is visibly under the  
 12 influence of any alcoholic beverage.

13 (5) The provisions of subsection (a) of this section do not apply to the  
 14 counties which are listed in paragraph (1) of this subsection and the law in these  
 15 counties shall remain in the same force and effect as if not amended by this section.

16 (f) (1) This subsection applies in the following jurisdictions:

- 17 (i) CAROLINE COUNTY;
- 18 (II) Dorchester County;
- 19 [(ii)] (III) Garrett County;
- 20 [(iii)] (IV) Howard County;
- 21 [(iv)] (V) Kent County;
- 22 [(v)] (VI) Montgomery County; and
- 23 [(vi)] (VII) St. Mary's County.

24 (2) The granting of probation before judgment to a licensee or employee  
 25 of the licensee for violating subsection (a) OR (C) of this section does not bar the Board  
 26 of License Commissioners from proceeding administratively against the licensee for  
 27 the violation.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
 29 measure, is necessary for the immediate preservation of the public health and safety,  
 30 has been passed by a ye and nay vote supported by three-fifths of all the members  
 31 elected to each of the two Houses of the General Assembly, and shall take effect from  
 32 the date it is enacted.

