

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 800
Economic Matters

(Delegates Barkley and Petzold)
Education, Health, and Environmental Affairs

Alcoholic Beverages - Sale to Underage Drinker or Intoxicated Person - Citation

This bill authorizes a police officer to issue a citation for the unlawful sale of an alcoholic beverage to an underage drinker or intoxicated person.

Fiscal Summary

State Effect: Efficiency savings for police officers who charge people with the unlawful sale of alcoholic beverages to underage drinkers or intoxicated persons.

Local Effect: None -- see above.

Small Business Effect: Minimal.

Analysis

Current Law: The alcoholic beverage inspectors in Anne Arundel County, Harford County, Frederick County, Montgomery County, and Prince George's County who investigate license violations may issue civil citations for such violations within their respective jurisdictions.

It is the duty of the various State's Attorneys, sheriffs, constables, bailiffs, police, and other prosecuting and peace officers of every sort to enforce the provisions of the Alcoholic Beverages Article (which includes unlawful sales to underage or intoxicated persons), and to prosecute those persons charged with violation of the provisions.

It is unlawful for a licensed seller of alcoholic beverages to sell or furnish alcoholic beverages to any person under age 21 or to any person (presumably above or below age 21, notwithstanding the statute's reference to persons under age 21) who, at the time of sale or delivery, is visibly under the influence of any alcoholic beverage

Background: In practice, police officers currently make application for and use a statement of charges as the charging document for unlawful sales to an underage drinker or intoxicated person.

The District Court advises that the use of a citation is a simpler procedure than using a statement of charges, which requires review by a commissioner who decides whether to issue a criminal summons or arrest warrant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Garrett County, Dorchester County, Judiciary (District Court of Maryland), Department of Legislative Services

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