

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 813 (Delegate Barkley, *et al.*)
Judiciary

Alcoholic Beverages - Underage Violations - Misdemeanors

This bill makes it a misdemeanor rather than a code violation for an individual to:

- obtain an alcoholic beverage from a licensed seller for consumption by another person the individual knows to be under 21;
- with specified exceptions relating to immediate family members and religious ceremonies, either furnish an alcoholic beverage for consumption to another person the individual knows to be under 21, or allow another person under 21 to possess or consume alcohol at the individual's residence; and
- possess an unregistered keg (except for licensed sellers), tamper with a registration form on a keg, or serve the contents of a purchased keg to a person under 21.

The bill does not change the fines applicable to these underage alcoholic beverage violations. The defendant is liable (among other costs) for costs of the proceedings in District Court which are currently \$20 for criminal cases.

Fiscal Summary

State Effect: This bill is not expected to materially impact governmental operations or finances.

Local Effect: None -- see above.

Small Business Effect: None.

Analysis

Current Law: It is a code violation and civil offense for an individual to:

- obtain an alcoholic beverage from a licensed seller for consumption by another person the individual knows to be under 21;
- with specified exceptions relating to immediate family members and religious ceremonies:
 - furnish an alcoholic beverage for consumption to another person the individual knows to be under 21; or
 - allow another person under 21 to possess or consume alcohol at the individual's residence; and
- possess an unregistered keg (except for licensed sellers), tamper with a registration form on a keg, or serve the contents of a purchased keg to a person under 21.

It is also unlawful for an individual under age 21 to:

- misrepresent the individual's age to obtain alcoholic beverages from a licensed seller;
- possess alcoholic beverages; and
- possess a false identification card with intent to commit an underage alcoholic beverage violation.

An individual who commits any of the above underage alcoholic beverage violations is subject to a maximum fine of \$500 for a first offense and \$1,000 for a repeat offense.

Although these violations are civil offenses, the State has the burden of proving the defendant's guilt beyond a reasonable doubt (to the same extent as is required by law in the trial of criminal causes). The court is required to apply the same evidentiary standards as prescribed by law or rule for a criminal trial.

A defendant is liable for costs of the proceedings in District Court, which for a code violation in which costs are imposed is \$5 by statute; a defendant is also liable for payment to the Criminal Injuries Compensation Fund.

Additional Information

Prior Introductions: A similar bill was introduced in the 2001 session as HB 484. It received an unfavorable report from the Judiciary Committee. A similar bill was also

introduced in the 2000 session as HB 469. It also received an unfavorable report from the Judiciary Committee.

Cross File: None.

Information Source(s): Judiciary (District Court of Maryland), Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2002
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