
By: **Senators Conway, Gladden, Jones, and McFadden**
Introduced and read first time: February 5, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - Inspections**

3 FOR the purpose of prohibiting a police officer or a member of the Sheriff's office in
4 Baltimore City from conducting investigations of the type normally conducted
5 by liquor board inspectors; specifying that, in Baltimore City, the State's
6 Attorney has certain authority for certain purposes; making stylistic changes;
7 and generally relating to alcoholic beverages inspections in Baltimore City.

8 BY repealing and reenacting, with amendments,
9 Article 2B - Alcoholic Beverages
10 Section 16-405
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2003 Supplement)

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

15 **Article 2B - Alcoholic Beverages**

16 16-405.

17 (A) (1) (I) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS
18 SECTION, THE Comptroller, his duly authorized deputies, inspectors and clerks, the
19 Board of License Commissioners of the county or the city in which the place of
20 business is located, its duly authorized agents and employees, and any peace officer of
21 such county or city, or any of them, shall be fully authorized to inspect and search,
22 without warrant, at all hours, any building, vehicle and premises in which any
23 alcoholic beverages are authorized to be kept, transported, manufactured or sold
24 under a license or permit issued under the provisions of this [article,] ARTICLE; and

25 (II) [any] ANY evidence discovered during any such inspections
26 shall be admissible in any prosecution for the violation of the provisions of this or any
27 other article, or upon any hearing for revocation, suspension or restriction of the
28 license or permit.

1 (2) Any alcoholic beverages taken as evidence shall be returned to the
2 license or permit holder if he be adjudged not guilty; otherwise it shall be sold to
3 license holders, turned over to State institutions for medicinal use or destroyed.

4 (3) Receipts from such sales shall be credited to the general fund account
5 of the State, county or Baltimore City as the case may be.

6 (B) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.

7 (2) A POLICE OFFICER OR A MEMBER OF THE SHERIFF'S OFFICE MAY
8 NOT CONDUCT INVESTIGATIONS OF THE TYPE NORMALLY CONDUCTED BY LIQUOR
9 BOARD INSPECTORS.

10 (3) FOR PURPOSES OF THIS SECTION, THE STATE'S ATTORNEY HAS ONLY
11 THE AUTHORITY PROVIDED UNDER § 10-127(E) OF THE CRIMINAL LAW ARTICLE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2004.