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

Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

1 AN ACT concerning

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

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

10 BY repealing and reenacting, with amendments,
11 Article 2B - Alcoholic Beverages
12 Section 16-405
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2003 Supplement)

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

17 **Article 2B - Alcoholic Beverages**

18 16-405.

19 (A) (1) (I) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS
20 SECTION, THE Comptroller, his duly authorized deputies, inspectors and clerks, the
21 Board of License Commissioners of the county or the city in which the place of
22 business is located, its duly authorized agents and employees, and any peace officer of
23 such county or city, or any of them, shall be fully authorized to inspect and search,

1 without warrant, at all hours, any building, vehicle and premises in which any
2 alcoholic beverages are authorized to be kept, transported, manufactured or sold
3 under a license or permit issued under the provisions of this [article,] ARTICLE; and

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

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

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

13 (B) ~~(4) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.~~

14 ~~(2)~~ IN BALTIMORE CITY, A POLICE OFFICER MEMBER OF THE
15 BALTIMORE CITY POLICE DEPARTMENT OR A MEMBER OF THE BALTIMORE CITY
16 SHERIFF'S OFFICE MAY NOT CONDUCT INVESTIGATIONS OF THE TYPE NORMALLY
17 CONDUCTED BY LIQUOR BOARD INSPECTORS, EXCEPT IN CASES WHERE PROBABLE
18 CAUSE EXISTS TO BELIEVE THAT A CRIME IS IN PROGRESS OR HAS BEEN
19 COMMITTED.

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

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