

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 442 (Senator Brinkley)
Judicial Proceedings

Alcoholic Beverages - Underage Consumption

This bill prohibits an individual under the age of 21 from consuming alcoholic beverages and exhibiting effects of such consumption including having both the odor of an alcoholic beverage on the individual's breath and having impaired speech, appearance, or behavior. Violators age 18 and older are subject to a civil fine of up to \$500 for a first offense or \$1,000 for any subsequent offense.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's fine provision from cases heard in the District Court.

Local Effect: Enforcement of the bill by local law enforcement agencies and the juvenile court could be handled with existing resources.

Small Business Effect: None.

Analysis

Current Law: An individual under the age of 21 may not possess or have under the individual's charge or control an alcoholic beverage unless the individual is a bona fide employee of a alcoholic beverages license holder and the alcoholic beverage is in the possession or under the charge or control of the individual in the course of the individual's employment and during regular working hours. Any violation is considered a civil code violation. If the individual is younger than 18, the individual will be prosecuted as a juvenile. If the individual is 18 or older, the individual is subject to a fine of up to \$500 for a first offense or \$1,000 for any subsequent offense. Fines for these

violations are collected in District Court. There is no specific prohibition against exhibiting the effects of consumption of alcohol.

Background: A person may not furnish an alcoholic beverage for the purpose of consumption by an individual the person knows is under the age of 21. In addition, an adult may not knowingly and willfully allow an individual under the age of 21 to consume an alcoholic beverage at the adult's residence. These prohibitions do not apply to family members in a private residence or to participants in a religious ceremony.

According to the Administrative Office of the Courts, statewide in fiscal 1999, the last year these statistics are available, there were 2,291 underage alcoholic beverages violations. The vast majority of alcoholic beverages violations (for persons at least 18 years old) are adjudicated in the District Court.

Additional Information

Prior Introductions: None. However, a similar bill was introduced as SB 355 in the 2003 session. The bill received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: HB 1038 (Delegate Hogan, *et al.*) – Judiciary.

Information Source(s): Comptroller's Office, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2004
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