

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1392

(Delegate Cryor)

Judiciary

Judicial Proceedings

Alcoholic Beverages - Furnishing for or Allowing Underage Consumption - Fines

This bill increases the penalty for the code violation of furnishing or allowing underage consumption or possession of alcohol from \$500 to \$1,000 for a first offense. The penalty for a subsequent violation is increased from \$1,000 to \$1,500.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the bill's penalty provisions. No effect on expenditures.

Local Effect: None. The bill would affect State governmental operations only.

Small Business Effect: None.

Analysis

Current Law: Except as otherwise provided, a person may not furnish an alcoholic beverage to an individual if the person knows that the individual is under age 21 and the alcoholic beverage is furnished for consumption by the individual under age 21. An adult may not knowingly and willfully allow an individual under age 21 to actually possess or consume an alcoholic beverage at a residence or on the land enclosing the residence that is owned or leased by the adult, and at which the adult resides.

The prohibitions stated above do not apply if the adult and the person under age 21 are members of the same immediate family and the alcoholic beverage is furnished, possessed, and consumed in a private residence or within the land enclosing the private

residence. The prohibitions also do not apply if the adult and the person under age 21 are participants in a religious ceremony.

A person who violates the prohibition against furnishing or allowing underage consumption of alcohol is guilty of a code violation, has committed a civil offense, and is subject to a maximum fine of \$500 for a first offense and \$1,000 for a subsequent offense. For a defendant that has been found guilty of a code violation and had a fine imposed by the court, the court may direct that the payment be suspended or deferred under specified conditions. If the defendant willfully fails to pay the fine, the willful failure may be treated as criminal contempt of court.

Background: The District Court advises that there were no convictions of furnishing or allowing underage possession or consumption of alcohol in fiscal 2004.

State Revenues: General fund revenues could increase minimally under the bill's monetary penalty provisions for those cases heard in the District Court. The District Court advises that only cases are monitored in the criminal and traffic systems, not individuals. There is no mechanism for determining a second or subsequent offense by the same individual. The District Court relies on the State's Attorney's office for information on subsequent offenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 22, 2005
ncs/jr

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