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By: **Delegates Cane, Bozman, Conway, Eckardt, Elmore, and Haddaway**

Introduced and read first time: January 30, 2006

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Wicomico County - Alcoholic Beverages Licensees - Administrative**  
3                                   **Proceedings**

4 FOR the purpose of adding Wicomico County to the list of counties in which the  
5     granting of probation before judgment to an alcoholic beverages licensee for  
6     selling or furnishing alcoholic beverages to an underaged individual does not bar  
7     the board of license commissioners from proceeding administratively against the  
8     licensee for the violation; and generally relating to alcoholic beverages licensees  
9     in Wicomico County.

10 BY repealing and reenacting, without amendments,

11     Article 2B - Alcoholic Beverages  
12     Section 12-108(a)  
13     Annotated Code of Maryland  
14     (2005 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16     Article 2B - Alcoholic Beverages  
17     Section 12-108(f)  
18     Annotated Code of Maryland  
19     (2005 Replacement Volume)

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

22                                   **Article 2B - Alcoholic Beverages**

23 12-108.

24     (a)     (1)     A licensee licensed under this article, or any employee of the licensee,  
25     may not sell or furnish any alcoholic beverages at any time to a person under 21 years  
26     of age:

27                                   (i)     For the underage person's own use or for the use of any other  
28     person; or

1 (ii) To any person who, at the time of the sale, or delivery, is visibly  
2 under the influence of any alcoholic beverage.

3 (2) Any licensee or any employee of the licensee who is charged with a  
4 violation of this subsection shall receive a summons to appear in court on a certain  
5 day to answer the charges placed against that person. The person charged may not be  
6 required to post bail bond pending trial in any court of this State.

7 (3) (i) A licensee or employee of the licensee violating any of the  
8 provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers  
9 the penalties provided by § 16-503 of this article.

10 (ii) A licensee or employee of the licensee who is charged with  
11 selling or furnishing any alcoholic beverages to a person under 21 years of age may  
12 not be found guilty of a violation of this subsection, if the person establishes to the  
13 satisfaction of the jury or the court sitting as a jury that the person used due caution  
14 to establish that the person under 21 years of age was not, in fact, a person under 21  
15 years of age if a nonresident of the State.

16 (iii) If the person is a resident of the State of Maryland, the licensee  
17 or employee of the licensee may accept, as proof of a person's age, the display of the  
18 person's driver's license or identification card as provided for in the Maryland Vehicle  
19 Law.

20 (iv) Except as otherwise provided in this section, if any licensee or  
21 employee of the licensee is found not guilty, or placed on probation without a verdict,  
22 of any alleged violation of this subsection, this finding operates as a complete bar to  
23 any proceeding by any alcoholic beverage law enforcement or licensing authorities  
24 against the licensee on account of the alleged violation.

25 (f) (1) This subsection applies in the following jurisdictions:

26 (i) Cecil County;

27 (ii) Dorchester County;

28 (iii) Garrett County;

29 (iv) Howard County;

30 (v) Kent County;

31 (vi) Montgomery County; [and]

32 (vii) St. Mary's County; AND

33 (VIII) WICOMICO COUNTY.

34 (2) The granting of probation before judgment to a licensee or employee  
35 of the licensee for violating subsection (a) of this section does not bar the Board of

1 License Commissioners from proceeding administratively against the licensee for the  
2 violation.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 June 1, 2006.