
By: **Senators Green and Giannetti**

Introduced and read first time: January 16, 2006

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 25, 2006

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages - Bottle Clubs**

3 FOR the purpose of prohibiting a bottle club in Prince George's County or an agent or
4 employee of a bottle club from giving, serving, dispensing, keeping, or allowing
5 to be consumed on the premises alcoholic beverages or certain other items after
6 closing hours for certain establishments licensed to sell alcoholic beverages;
7 prohibiting nudity and certain sexual displays from occurring at bottle clubs;
8 establishing that a violation of this Act is a Code violation for which an inspector
9 of the Board of License Commissioners may issue a civil citation; specifying the
10 conditions under which an inspector shall issue a citation; providing for the form
11 and contents of a citation; specifying that adjudication of a Code violation is not
12 a criminal conviction for any purpose and does not impose any of the civil
13 disabilities ordinarily imposed by a criminal conviction; providing for
14 proceedings and procedures for adjudicating a Code violation; specifying certain
15 civil penalties and court costs; providing for the jurisdiction of the District Court
16 for certain violations under this Act; defining a certain term; and generally
17 relating to bottle clubs in Prince George's County.

18 BY repealing and reenacting, with amendments,

19 Article 2B - Alcoholic Beverages

20 Section 16-408

21 Annotated Code of Maryland

22 (2005 Replacement Volume)

23 BY adding to

24 Article 2B - Alcoholic Beverages

25 Section 20-108.1

1 Annotated Code of Maryland
2 (2005 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article - Courts and Judicial Proceedings
5 Section 4-401(10)(xii) and (xiii)
6 Annotated Code of Maryland
7 (2002 Replacement Volume and 2005 Supplement)

8 BY adding to
9 Article - Courts and Judicial Proceedings
10 Section 4-401(10)(xiv)
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2005 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 16-408.

17 (A) The inspectors in Anne Arundel County, Frederick County, Harford
18 County, Montgomery County, and Prince George's County who investigate license
19 violations under this article may issue civil citations as provided in § 10-119 of the
20 Criminal Law Article.

21 (B) THE INSPECTORS IN PRINCE GEORGE'S COUNTY MAY ISSUE CIVIL
22 CITATIONS AS PROVIDED IN § 20-108.1 OF THIS ARTICLE.

23 20-108.1.

24 (A) (1) IN THIS SECTION, "BOTTLE CLUB" MEANS AN ESTABLISHMENT THAT
25 SERVES, GIVES, OR ALLOWS ALCOHOLIC BEVERAGES TO BE CONSUMED BY PATRONS
26 FROM SUPPLIES THAT THE PATRONS PREVIOUSLY PURCHASED OR RESERVED.

27 (2) "BOTTLE CLUB" DOES NOT INCLUDE AN ESTABLISHMENT FOR
28 WHICH A LICENSE UNDER THIS ARTICLE HAS BEEN ISSUED.

29 (B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

30 (C) A BOTTLE CLUB OR AN AGENT OR EMPLOYEE OF A BOTTLE CLUB MAY NOT
31 GIVE, SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ON THE PREMISES
32 ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC
33 DRINKS AFTER LEGAL CLOSING HOURS FOR ESTABLISHMENTS UNDER § 11-303 OF
34 THIS ARTICLE.

1 (D) THE PROHIBITIONS AGAINST NUDITY AND SEXUAL DISPLAYS UNDER §
2 10-405 OF THIS ARTICLE APPLY TO BOTTLE CLUBS.

3 (E) A VIOLATION OF THIS SECTION IS A CODE VIOLATION AND A CIVIL
4 OFFENSE.

5 (F) AN INSPECTOR OF THE BOARD OF LICENSE COMMISSIONERS SHALL ISSUE
6 A CITATION IF THE INSPECTOR HAS PROBABLE CAUSE TO BELIEVE THAT THE
7 PERSON CHARGED IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS
8 SECTION.

9 (G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FORM OF
10 CITATION ISSUED TO AN ADULT SHALL BE AS PRESCRIBED BY THE DISTRICT COURT.

11 (2) THE CITATION ISSUED TO AN ADULT SHALL CONTAIN:

12 (I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

13 (II) THE STATUTE ALLEGEDLY VIOLATED;

14 (III) THE LOCATION, DATE, AND TIME THAT THE VIOLATION
15 OCCURRED;

16 (IV) THE FINE THAT MAY BE IMPOSED;

17 (V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS NOT
18 ALLOWED;

19 (VI) A NOTICE THAT THE DISTRICT COURT SHALL PROMPTLY SEND
20 THE PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL;

21 (VII) THE SIGNATURE OF THE PERSON ISSUING THE CITATION; AND

22 (VIII) A SPACE FOR THE PERSON CHARGED TO SIGN THE CITATION.

23 (H) (1) THE INSPECTOR WHO ISSUES A CITATION SHALL FORWARD A COPY
24 OF THE CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT.

25 (2) (I) THE DISTRICT COURT SHALL PROMPTLY SCHEDULE THE CASE
26 FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

27 (II) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO THE
28 SUMMONS IS CONTEMPT OF COURT.

29 (3) ADJUDICATION OF A CODE VIOLATION IS NOT A CRIMINAL
30 CONVICTION FOR ANY PURPOSE, AND IT DOES NOT IMPOSE ANY OF THE CIVIL
31 DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

32 (I) IN ANY PROCEEDING FOR A CODE VIOLATION:

1 (1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE
2 DEFENDANT TO THE SAME EXTENT AS IS REQUIRED BY LAW IN THE TRIAL OF
3 CRIMINAL CAUSES, AND IN ANY SUCH PROCEEDING, THE COURT SHALL APPLY THE
4 EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF
5 CRIMINAL CAUSES;

6 (2) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A
7 COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT
8 UNDERSTANDS THOSE CHARGES;

9 (3) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES
10 WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON
11 BEHALF OF THE DEFENDANT, OR TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF
12 THE DEFENDANT CHOOSES TO DO SO;

13 (4) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF
14 THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

15 (5) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY,
16 AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

17 (I) GUILTY OF A CODE VIOLATION; OR

18 (II) NOT GUILTY OF A CODE VIOLATION.

19 (J) BEFORE RENDERING JUDGMENT, THE COURT MAY PLACE THE
20 DEFENDANT ON PROBATION IN THE SAME MANNER AND TO THE SAME EXTENT AS IS
21 ALLOWED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

22 (K) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A CODE
23 VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PAY:

24 (1) A FINE NOT EXCEEDING \$5,000; OR

25 (2) IF THE VIOLATION IS A SUBSEQUENT VIOLATION, A FINE NOT
26 EXCEEDING \$10,000.

27 (L) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CODE VIOLATION
28 AND A FINE HAS BEEN IMPOSED BY THE COURT:

29 (1) THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE
30 SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY ESTABLISH;
31 AND

32 (2) IF THE DEFENDANT WILLFULLY FAILS TO PAY THE FINE IMPOSED
33 BY THE COURT, THAT WILLFUL FAILURE MAY BE TREATED AS A CRIMINAL
34 CONTEMPT OF COURT, FOR WHICH THE DEFENDANT MAY BE PUNISHED BY THE
35 COURT AS PROVIDED BY LAW.

1 (M) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDINGS
2 IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL INJURIES
3 COMPENSATION FUND.

4 (2) THE COURT COSTS IN A CODE VIOLATION CASE IN WHICH COSTS ARE
5 IMPOSED ARE \$20.

6 **Article - Courts and Judicial Proceedings**

7 4-401.

8 Except as provided in § 4-402 of this subtitle, and subject to the venue
9 provisions of Title 6 of this article, the District Court has exclusive original civil
10 jurisdiction in:

11 (10) A proceeding for adjudication of:

12 (xii) A violation under Title 10, Subtitle 1, Part III of the Criminal
13 Law Article; [or]

14 (xiii) A civil infraction relating to the storage of tobacco products
15 under Article 24, Title 15 of the Code; OR

16 (XIV) A CIVIL INFRACTION UNDER ARTICLE 2B, § 20-108.1 OF THE
17 CODE.

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