

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 922

(Prince George's County Delegation)

Economic Matters

Education, Health, and Environmental Affairs

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**Prince George's County - Alcoholic Beverages in Places of Public Entertainment  
and Unlicensed Establishments**  
**PG 315-06**

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This bill prohibits a person in Prince George's County from dispensing setups or serving, dispensing, keeping, or allowing alcoholic beverages or any component part of a mixed alcoholic drink to be consumed in a place of public entertainment. A "place of public entertainment" is defined as a business that does not hold an alcoholic beverages license and allows nudity and sexual displays on its premises. Moreover, the bill prohibits an operator of an unlicensed for-profit establishment from knowingly allowing customers to bring alcoholic beverages for consumption into the establishment. A violator is guilty of a misdemeanor and is subject to imprisonment for up to two years and/or a fine of up to \$10,000.

The bill takes effect June 1, 2006.

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**Fiscal Summary**

**State Effect:** Because it is assumed that the bill would apply in a limited number of cases, State finances should not be materially affected.

**Local Effect:** The bill's provisions would not materially affect Prince George's County finances.

**Small Business Effect:** Minimal.

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## Analysis

**Background:** Statute contains a number of detailed provisions expounding upon what constitutes nudity and sexual displays. In a number of counties, including Prince George's (with certain uncodified exceptions), generally an alcoholic beverages license must be revoked if the licensee violates the provisions regarding nudity and sexual displays on the licensed premises.

Furthermore, it is a crime in Allegany, Anne Arundel, Charles, Howard, Somerset, Wicomico, and Worcester counties for a person to perform or otherwise participate in an obscene performance or exhibition in the presence of paying observers. Furthermore, in these same counties, an owner, lessee, or manager of a building, garden, place, room, structure, or theatre may not knowingly allow or assent to the use of the premises for these types of exhibitions. A first-time violator is guilty of a misdemeanor and is subject to a fine of up to \$1,000 and/or imprisonment for up to one year. For each subsequent violation, the offender is subject to a fine of up to \$5,000 and/or imprisonment for up to three years.

A number of jurisdictions place restrictions on the operation of bottle clubs, including Baltimore City and Anne Arundel, Baltimore, Charles, Frederick, Montgomery, and St. Mary's counties. Generally, bottle clubs are establishments which allow patrons to consume alcoholic beverages on the premises which were previously reserved or purchased elsewhere.

**State Fiscal Effect:** General fund expenditures could increase minimally as a result of the bill's incarceration penalty due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$341 per month. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. Because it is assumed that the bill's provisions would apply in a limited number of cases, State finances should not be materially affected.

**Local Fiscal Effect:** Generally, all fines imposed or recognizances forfeited for any violation of any provision of Article 2B are payable to the county in which the offense was committed. As a result of the bill's penalty provision, fines imposed by the District Court or the circuit court for a violation of the bill's provisions would be remitted to Prince George's County. Consequently, Prince George's County could realize an increase in fine revenues. Expenditures could increase as a result of the bill's

incarceration penalty. Because it is assumed that the bill's provisions would apply in a limited number of cases, county finances should not be materially affected.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Prince George's County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2006  
ncs/hlb Revised - House Third Reader - March 31, 2006

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