

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 617

(Senator Colburn)

Education, Health, and Environmental Affairs

Economic Matters

Wicomico County - Alcoholic Beverages Licensees - Administrative Proceedings

This bill allows the Wicomico County Board of License Commissioners to proceed administratively against a licensee or employee of a licensee who has been granted probation before judgment, for a violation of State law prohibiting the sale or furnishing of alcohol to a minor.

The bill takes effect June 1, 2006.

Fiscal Summary

State Effect: None. The bill would not directly affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A licensee licensed under State alcoholic beverage laws, or an employee of a licensee, may not sell or furnish alcohol to a person younger than 21, whether the alcohol is for that person's or another's use. The licensee or employee also may not sell or furnish alcohol to a person who is visibly under the influence of alcohol. A person who sells or furnishes alcohol in violation of these provisions is guilty of a misdemeanor and subject to a fine of up to \$1,000 or imprisonment for up to two years, or both.

A licensee or employee of a licensee cannot be found guilty if it is established to the satisfaction of the court or jury that the licensee or employee used due caution to establish that a person younger than 21 and a nonresident of the State was of legal age. If a person is a resident of the State, a State driver's license or identification card, issued under Maryland Vehicle law, may be accepted as proof of a person's age. A licensee or employee of a licensee may also establish a defense to prosecution by keeping documentary proof of purchasers of questionable age, on a form statutorily prescribed and signed by the purchaser at the time of the sale and also establishing specified facts.

Unless otherwise provided, a licensee or employee of a licensee who is found not guilty, or placed on probation before judgment, cannot be pursued administratively by any alcoholic beverage law enforcement or licensing authorities.

Background: Licensing authorities in Cecil, Dorchester, Garrett, Howard, Kent, Montgomery, Queen Anne's, and St. Mary's counties currently may proceed administratively against persons who are found not guilty or are placed on probation before judgment, for an alleged violation of the provisions prohibiting the sale or furnishing of alcohol to a person younger than 21.

Additional Information

Prior Introductions: None.

Cross File: HB 503 (Delegate Cane, *et al.*) – Economic Matters.

Information Source(s): Wicomico County, Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2006
ncs/hlb

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