

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 1395

(Delegate Shewell)

Judiciary

Judicial Proceedings

Furnishing an Alcoholic Beverage to Underage Individual - Penalty

This bill establishes that it is a misdemeanor for a person to knowingly or willfully furnish an alcoholic beverage for consumption to a minor. A person who violates this provision is subject to imprisonment of up to 60 days, a fine up to \$1,000, or both. The bill does not provide an increased fine for subsequent offenses. These provisions do not apply to an individual who was acting in the capacity of an alcoholic beverages licensee and has committed a violation of and is subject to fines and penalties under alcoholic beverages laws prohibiting the sale of alcoholic beverages to minors.

Fiscal Summary

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

Local Effect: Minimal decrease in local revenues as fines would be paid to the State instead of the local government. Minimal increase in expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law: It is a civil offense for a person to furnish an alcoholic beverage for consumption to a minor. If the person furnishing the alcoholic beverage and the person consuming the alcoholic beverage are members of the same immediate family and if the alcoholic beverage is furnished and consumed in a private residence they are exempt

from this prohibition. Also exempt from this prohibition are participants in a religious ceremony.

If the District Court finds that a person has committed a code violation, the court must require the person to pay a fine up to \$1,000. If the violation is a subsequent offense the fine may not exceed \$1,500. If a District Court finds an individual guilty of an offense the fines are paid to the State general fund. If an individual pays the citation without contesting the offense in court, revenues are received by the county in which the offense occurred.

Alcoholic beverages license holders and employees acting under authority of a license holder are subject to penalties under alcoholic beverages laws pertaining to sales to minors. License holders may be subject to fines and administrative action as determined by the alcoholic beverages licensing authority in that jurisdiction. Penalties for employees of license holders differ by county.

State Fiscal Effect: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions. Because the offense is defined as a criminal offense, all revenue collected from fines would go to the State's general fund. The revenue impact would be slightly diminished by the removal of provisions allowing increased fines for subsequent offenses.

Local Revenues: County revenues could decrease minimally as a result of the bill's criminal penalty provision. Under current law, the offense is a citation, and revenues from a citation are payable to the county. The bill would cause any fines paid for offenses not contested in District Court to be paid to the State instead of the county. The precise impact cannot be reasonably ascertained but is not expected to be significant.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$42 to \$120 per inmate in fiscal 2008.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Kent County, Montgomery County, Washington County, Judiciary (Administrative Office of the Courts), Comptroller's Office, Department of Legislative Services

Fiscal Note History: First Reader - March 18, 2007
ncs/hlb

Analysis by: Erik P. Timme

Direct Inquiries to:
(410) 946-5510
(301) 970-5510