

HOUSE BILL 1086

A2

8lr3089

By: **Delegate Love**

Introduced and read first time: February 7, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **City of Annapolis – Alcoholic Beverages – Administrative Proceedings and**
3 **Fines**

4 FOR the purpose of adding the City of Annapolis to the list of jurisdictions in which
5 the granting of probation before judgment to an alcoholic beverages licensee for
6 selling or furnishing alcoholic beverages to an underaged individual does not
7 bar the Board of License Commissioners from proceeding administratively
8 against the licensee for the violation; altering a certain fine that the City of
9 Annapolis may impose for a certain alcoholic beverages violation; and generally
10 relating to alcoholic beverages in the City of Annapolis.

11 BY repealing and reenacting, without amendments,
12 Article 2B – Alcoholic Beverages
13 Section 12–108(a)
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2007 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 12–108(f) and 16–507(c)(2)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2007 Supplement)

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

23 **Article 2B – Alcoholic Beverages**

24 12–108.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) A licensee licensed under this article, or any employee of the
2 licensee, may not sell or furnish any alcoholic beverages at any time:

3 (i) To a person under 21 years of age for the underage person's
4 own use or for the use of any other person; or

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

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

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

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

20 (iii) The licensee or employee of the licensee may accept, as proof
21 of a person's age:

22 1. If the person is a resident of the State, the person's
23 driver's license or identification card as provided for in the Maryland Vehicle Law; or

24 2. A United States military identification card.

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

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

31 (I) **CITY OF ANNAPOLIS;**

32 [(i)] (II) Cecil County;

33 [(ii)] (III) Dorchester County;

- 1 [(iii)] (IV) Garrett County;
- 2 [(iv)] (V) Howard County;
- 3 [(v)] (VI) Kent County;
- 4 [(vi)] (VII) Montgomery County;
- 5 [(vii)] (VIII) St. Mary's County;
- 6 [(viii)] (IX) Washington County; and
- 7 [(ix)] (X) Wicomico County.

8 (2) The granting of probation before judgment to a licensee or
9 employee of the licensee for violating subsection (a) of this section does not bar the
10 Board of License Commissioners from proceeding administratively against the licensee
11 for the violation.

12 16-507.

13 (c) (2) In the City of Annapolis, the Board of License Commissioners may
14 impose a fine of not more than [\$1,000] **\$2,000** in lieu of suspension of a license for
15 any violation that is cause for suspension under the alcoholic beverage laws of the city.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2008.