

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 166

(Senator Haines, *et al.*)

Judicial Proceedings

Judiciary

Furnishing an Alcoholic Beverage to Underage Individual - Penalty

This bill increases the maximum penalty for a code violation of furnishing or allowing underage consumption or possession of alcohol from \$1,000 to \$2,500 for a first offense. The penalty for a subsequent violation is increased from \$1,500 to \$5,000.

Fiscal Summary

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

Local Effect: None.

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.

Background: Chapter 268 of 2005 increased the maximum penalty for furnishing or allowing underage consumption or possession of alcohol from \$500 to \$1,000 for a first offense and from \$1,000 to \$1,500 for a subsequent violation.

Additional Information

Prior Introductions: HB 1395 of 2007, an identical bill, received a favorable report from the House Judiciary Committee and passed the House. The Senate Judicial Proceedings Committee took no action on the bill.

Cross File: HB 76 (Delegate Shewell, *et al.*) – Judiciary.

Information Source(s): Allegany County, Montgomery County, Wicomico County, Comptroller's Office, Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2008
mll/jr Revised - Senate Third Reader - March 28, 2008

Analysis by: Erik P. Timme

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