

HOUSE BILL 442

A2

9lr2169

By: **Charles County Delegation**

Introduced and read first time: February 4, 2009

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2009

CHAPTER _____

1 AN ACT concerning

2 **Charles County – Alcoholic Beverages Licensees – Administrative**
3 **Proceedings**

4 FOR the purpose of adding Charles County to the list of counties in which the
5 granting of probation before judgment to an alcoholic beverages licensee for
6 selling or furnishing alcoholic beverages to an underage individual does not bar
7 the Board of License Commissioners from proceeding administratively against
8 the licensee for the violation; and generally relating to alcoholic beverages
9 licensees in Charles County.

10 BY repealing and reenacting, without amendments,
11 Article 2B – Alcoholic Beverages
12 Section 12–108(a)
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2008 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 2B – Alcoholic Beverages
17 Section 12–108(f)
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2008 Supplement)

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

22 **Article 2B – Alcoholic Beverages**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 12-108.

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

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

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

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

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

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

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

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

25 2. A United States military identification card.

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

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

32 (i) Cecil County;

33 (ii) **CHARLES COUNTY;**

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 14 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.