

HOUSE BILL 963

A2

9lr2232

By: **Prince George's County Delegation**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2009

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Public Consumption and**
3 **Open Containers – Penalties**

4 **PG 326–09**

5 FOR the purpose of ~~altering in Prince George's County the penalties for violating~~
6 ~~certain prohibitions against the public consumption of alcoholic beverages or the~~
7 ~~public possession of an open container of alcoholic beverages to include the~~
8 ~~possibility of certain terms of incarceration~~ requiring a person in Prince
9 George's County, who is charged with a certain misdemeanor relating to the
10 public consumption of alcoholic beverages or the public possession of an open
11 container of alcoholic beverages, to comply with a certain command in a
12 charging document by making a personal appearance in court; making certain
13 stylistic changes; and generally relating to penalties for alcoholic beverages
14 violations in Prince George's County.

15 BY repealing and reenacting, without amendments,
16 Article 2B – Alcoholic Beverages
17 Section 19–202, 19–203, 19–301(b), and 19–303(14)
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2008 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 2B – Alcoholic Beverages
22 Section 19–204 and 19–302
23 Annotated Code of Maryland

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 (2005 Replacement Volume and 2008 Supplement)

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

4 **Article 2B - Alcoholic Beverages**

5 19-202.

6 (a) A person may not drink any alcoholic beverage, as defined in this article,
7 while:

8 (1) On public property, unless authorized by a governmental entity
9 that has jurisdiction over the property;

10 (2) On the mall, adjacent parking area, or other outside area of any
11 combination of privately owned retail establishments, like a shopping center, where
12 the general public is invited for business purposes, unless authorized by the owner of
13 the shopping center;

14 (3) On an adjacent parking area or other outside area of any other
15 retail establishment, unless authorized by the owner of the establishment; or

16 (4) In any parked vehicle located on any of the places enumerated in
17 this subsection, unless authorized.

18 (b) Subsection (a) of this section does not apply to the consumption of
19 alcoholic beverages by passengers in the living quarters of a motor home equipped
20 with a toilet and central heating or the passengers of a chartered bus in transit if the
21 owner or operator has consented to the consumption of the beverages.

22 19-203.

23 As to public property, any local governmental entity that owns or otherwise has
24 jurisdiction over the property may adopt by local law or ordinance, as appropriate,
25 standards providing for the authorization of the consumption of alcoholic beverages,
26 otherwise prohibited by this subtitle, and consistent with the intended use of the
27 property by the general public.

28 19-204.

29 (A) [Any] ~~EXCEPT AS PROVIDED IN~~ SUBJECT TO SUBSECTION (B) OF
30 THIS SECTION, A person who violates [the provisions of] this subtitle is guilty of a
31 misdemeanor and on conviction is subject to a fine not exceeding \$100.

32 (B) IN PRINCE GEORGE'S COUNTY, A PERSON WHO VIOLATES THIS
33 SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO

1 ~~IMPRISONMENT NOT EXCEEDING 10 DAYS OR A FINE NOT EXCEEDING \$100 OR~~
2 ~~BOTH IS CHARGED WITH A MISDEMEANOR UNDER THIS SECTION SHALL COMPLY~~
3 ~~WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY~~
4 ~~APPEARING IN COURT IN PERSON.~~

5 19-301.

6 (b) A person may not possess in an open container any alcoholic beverage, as
7 defined in this article, while:

8 (1) On the mall, adjacent parking area, or other outside area of any
9 combination of privately owned retail establishments, commonly known as a shopping
10 center, to which the general public is invited for business purposes, unless authorized
11 by the owner of the establishment;

12 (2) On an adjacent parking area or other outside area of any other
13 retail establishment, unless authorized by the owner of the establishment; or

14 (3) In any parked vehicle located on any of the places enumerated in
15 this section, unless authorized.

16 19-302.

17 (A) [Any] ~~EXCEPT AS PROVIDED IN~~ SUBJECT TO SUBSECTION (B) OF
18 THIS SECTION, A person who violates [the provisions of] this subtitle is guilty of a
19 misdemeanor and [upon] ON conviction is subject to a fine not exceeding \$100.

20 (B) IN PRINCE GEORGE'S COUNTY, A PERSON WHO VIOLATES THIS
21 SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
22 IMPRISONMENT NOT EXCEEDING 10 DAYS OR A FINE NOT EXCEEDING \$100 OR
23 BOTH IS CHARGED WITH A MISDEMEANOR UNDER THIS SECTION SHALL COMPLY
24 WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY
25 APPEARING IN COURT IN PERSON.

26 19-303.

27 This subtitle applies only in the following counties:

28 (14) Prince George's County;

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