

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1041  
Economic Matters

(Delegate Ramirez, *et al.*)

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**Alcoholic Beverages - Public Consumption and Open Containers - Penalties**

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This bill enhances the penalties for open container/public consumption of alcoholic beverages violations by enabling a judge to sentence a violator to up to 10 days imprisonment and/or a maximum fine of \$100. Under current law, a violator is subject to a maximum fine of \$100.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Potential minimal increase in local expenditures for individuals sentenced to imprisonment for open container or public consumption violations.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** In certain counties, a person is prohibited from consuming an alcoholic beverage or possessing an alcoholic beverage in an open container in certain geographic areas, usually public property, parking areas, shopping malls, *etc.* Some counties, including Prince George's, provide an exception if the person has obtained authorization to consume the beverage from the owner of the premises or the governmental entity with jurisdiction over the property. A violation is a misdemeanor, subject to a maximum fine of \$100.

**State Fiscal Effect:** Information on the number of individuals who are charged with violations of public consumption or open container laws is not available from the

Judiciary. It is possible that individuals who normally would have entered a guilty plea and paid the maximum fine may now request a trial due to the possibility of incarceration under this bill's provisions. Any increase in the workload of the Judiciary can be absorbed within existing budgeted resources.

**Local Fiscal Effect:** Local expenditures 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 \$46 to \$141 per inmate in fiscal 2010. The amount to which local expenditures will increase depends on the number of individuals sentenced to imprisonment for open container/public consumption violations and the length of their sentences.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Allegany County, Harford County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2009  
mlm/mwc

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