

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 442
Economic Matters

(Charles County Delegation)
Education, Health, and Environmental Affairs

Charles County - Alcoholic Beverages Licensees - Administrative Proceedings

This bill authorizes the Charles County Board of License Commissioners to proceed administratively against a licensee who is granted probation before judgment for a violation of the prohibitions against the sale of an alcoholic beverage to a person under age 21 or to a person who was visibly under the influence of alcohol.

Fiscal Summary

State Effect: None.

Local Effect: None. Charles County advises that the bill will apply in a limited number of cases.

Small Business Effect: None.

Analysis

Current Law: A licensee or any employee of a licensee may not sell any alcoholic beverage to a person under age 21 or to a person who is visibly under the influence of alcohol. A licensee who violates these prohibitions is guilty of a misdemeanor, unless the licensee can prove that due caution was used (such as through the acceptance of a purchaser's Maryland issued driver's license or identification card, or a U.S. military identification card).

Following a licensee's conviction, or upon being placed on probation without a verdict, liquor licensing authorities are barred from any further proceedings against the licensee except in nine counties, Cecil, Dorchester, Garrett, Howard, Kent, Montgomery,

St. Mary's, Washington, and Wicomico, where granting of probation before judgment does not bar the board of license commissioners from proceeding administratively against a licensee.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Charles County, Department of Legislative Services

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

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