

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 25

(Anne Arundel County Senators)

Education, Health, and Environmental Affairs

Economic Matters

City of Annapolis - Alcoholic Beverages - Administrative Proceedings and Fines

This bill authorizes the Annapolis 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. In addition, the bill increases from \$1,000 to \$2,000, the fine that the board may impose in lieu of a license suspension for a violation of city alcoholic beverage laws.

Fiscal Summary

State Effect: None.

Local Effect: Annapolis city revenues increase by \$5,800 in FY 2010 and by \$7,700 annually thereafter from the penalty provision. Expenditures are not affected.

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 Cecil, Dorchester, Garrett, Howard, Kent,

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

In the City of Annapolis, the board of license commissioners may impose a fine of up to \$1,000 in lieu of the suspension of a license for any violation that is a cause for suspension under the city's alcoholic beverage laws.

Background: On January 14, 2008, the Annapolis City Council enacted a resolution with the intent to exercise more stringent control over establishments that serve alcoholic beverages. The city council stated that this would be accomplished through the greater deterrent effect of enhanced penalties.

Local Fiscal Effect: Accounting for the bill's October 1, 2009 effective date, Annapolis city fine revenues could increase by approximately \$5,800 in fiscal 2010 and \$7,680 annually beginning in fiscal 2011. This estimate assumes that the number of violations would remain constant in fiscal 2010 and future fiscal years. The estimate also assumes that the city's average fine would remain at the same percentage of the maximum penalty allowable. In calendar 2008, there were 12 violations that went to public hearing with an average fine of \$640.

Additional Information

Prior Introductions: HB1086 LR3089 2008 ECM

Cross File: None.

Information Source(s): City of Annapolis, Anne Arundel County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2009
ncs/mwc

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