

**HB0558/573596/1**

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 558

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “licenses;” insert “requiring the Board, before approving and issuing an entertainment permit under this Act, to consider certain factors and circumstances; requiring the Board to hold certain public hearings under certain circumstances;”; in line 9, after “Board;” insert “requiring an applicant to develop a certain security plan and submit the plan to the Chief of the Prince George’s County Police Department for review; authorizing the Chief to submit comments to the Board; requiring the Board to take certain actions under certain circumstances; requiring each permit holder to take a certain action;”; in line 10, after “premises;” insert “authorizing the Board to prohibit, condition, or restrict the type of entertainment offered by a holder of the permit under certain circumstances;”; in line 11, after “fee;” insert “specifying that a permit holder may employ sworn security personnel under certain circumstances; authorizing the circuit court to issue a temporary restraining order under certain circumstances; authorizing the Board to immediately suspend a permit under certain circumstances; imposing certain penalties; requiring the Board to take certain actions if it immediately suspends a permit; requiring the Board to revoke the permit of a person under certain circumstances; prohibiting the Board from considering, at least for a certain period of time, an application for a new permit from the person whose permit was revoked; requiring the Board to reinstate, under certain circumstances, a permit that has been suspended or revoked; prohibiting a license holder from taking certain actions unless the license holder meets certain conditions;”; in line 11, after “regulations;” insert “requiring the Board to report to the Prince George’s County House and Senate Delegations of the Maryland General Assembly on certain matters on or before a certain date;”; and in line 20, after “6-201(r)(18)” insert “and 9-217(n)”.

AMENDMENT NO. 2

On page 2, in line 3, strike “**7-DAY**”; after line 5, insert:

(Over)

“(II) THE BOARD SHALL DETERMINE THE NUMBER OF DAYS IN A WEEK THAT A PERMIT HOLDER MAY EXERCISE THE PRIVILEGES OF THE PERMIT.

(III) 1. BEFORE APPROVING AN APPLICATION FOR AND ISSUING A PERMIT UNDER THIS PARAGRAPH, THE BOARD SHALL HOLD A PUBLIC HEARING IN ACCORDANCE WITH THE REQUIREMENTS FOR A PUBLIC HEARING ON AN APPLICATION FOR A LICENSE UNDER § 10-202(I) OF THIS ARTICLE.

2. AT THE PUBLIC HEARING, THE BOARD SHALL GIVE THE APPLICANT, SUPPORTERS OF THE APPLICANT, AND OPPONENTS OF THE APPLICANT AN OPPORTUNITY TO BE HEARD.

3. IN MAKING ITS DETERMINATION WHETHER TO APPROVE THE APPLICATION AND ISSUE THE PERMIT, THE BOARD SHALL CONSIDER WHETHER:

A. APPROVAL AND ISSUANCE OF THE PERMIT IS NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC;

B. THE APPLICANT IS A FIT PERSON TO RECEIVE THE PERMIT;

C. THE APPLICANT HAS MADE ANY MATERIAL FALSE STATEMENT IN THE APPLICATION;

D. THE APPLICANT HAS COMMITTED ANY FRAUDULENT ACT IN CONNECTION WITH THE APPLICATION;

E. THE OPERATION OF THE BUSINESS, IF THE PERMIT IS ISSUED, WILL UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD WHERE THE PLACE OF BUSINESS IS LOCATED OR TO BE LOCATED; AND

F. THERE ARE ANY OTHER REASONS THAT JUSTIFY THE DISAPPROVAL OF THE APPLICATION OR THE REFUSAL TO ISSUE THE PERMIT.

4. THE BOARD SHALL HOLD A SIMILAR PUBLIC HEARING ON RECEIPT OF A PETITION TO:

A. REVOKE AN ENTERTAINMENT PERMIT; OR

B. PROTEST THE RENEWAL OF AN ENTERTAINMENT PERMIT.”;

in lines 6 and 9, strike “(II)” and “(III)”, respectively, and substitute “(IV)” and “(V)”, respectively; in line 10, strike “SUBMIT” and substitute “:

1. SUBMIT”;

in line 11, strike “1.” and substitute “A.”; in the same line, after “LICENSE;” insert “AND”; strike in their entirety lines 12 through 14, inclusive; in line 15, strike “3.” and substitute “B.”; in the same line, strike “PRINCE GEORGE’S COUNTY”; in line 16, before “PERMIT” insert “ENTERTAINMENT”; in the same line, strike the period and substitute “;AND

2. A. DEVELOP A SECURITY PLAN TO PREVENT THE PREMISES FOR WHICH THE PERMIT IS SOUGHT FROM POSING A THREAT TO THE PEACE AND SAFETY OF THE SURROUNDING AREA; AND

B. SUBMIT THE PLAN FOR REVIEW TO THE BOARD AND THE CHIEF OF THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT.

(VI) 1. THE CHIEF OF THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT MAY SUBMIT COMMENTS TO THE BOARD ON THE ADEQUACY OF THE SECURITY PLAN WITHIN 30 DAYS AFTER RECEIPT OF THE PLAN.

2. THE BOARD SHALL CONSIDER THE COMMENTS, IF ANY, OF THE CHIEF OF POLICE AND SUBSEQUENTLY ISSUE THE PERMIT, REFUSE TO ISSUE THE PERMIT, OR CONDITION THE ISSUANCE OF THE PERMIT ON CHANGES TO THE SECURITY PLAN.

3. IF THE BOARD ISSUES THE PERMIT WITH A SECURITY PLAN THAT THE CHIEF OF THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT DOES NOT SUPPORT, THE BOARD SHALL SPECIFY IN WRITING TO THE CHIEF THE REASONS WHY THE BOARD HAS DETERMINED THAT THE SECURITY PLAN IS ADEQUATE.

4. EACH PERMIT HOLDER SHALL FOLLOW THE APPROVED SECURITY PLAN AT ALL TIMES WHEN THE PERMIT HOLDER EXERCISES THE PRIVILEGES OF THE PERMIT.”;

in lines 17 and 21, strike “(IV)”, and “(V)”, respectively, and substitute “(VII)” and “(IX)”, respectively; in line 20, after “ISSUED” insert “, UNLESS THE INDIVIDUAL IS EMPLOYED BY OR IS AN IMMEDIATE FAMILY MEMBER OF THE HOLDER”;

after line 20, insert:

“(VIII) THE BOARD AT ANY TIME MAY PROHIBIT, CONDITION, OR RESTRICT THE TYPE OF ENTERTAINMENT OFFERED BY A HOLDER OF THE PERMIT, INCLUDING LEWD, EXOTIC, LOUD, OR RAUCOUS ENTERTAINMENT, IF AFTER A HEARING THE BOARD DETERMINES THAT THE ENTERTAINMENT ADVERSELY IMPACTS OR UNDULY DISTURBS THE COMMUNITY AND IS NOT CONDUCTIVE TO THE PEACE, HEALTH, WELFARE, OR SAFETY OF THE RESIDENTS OF THE COUNTY.”;

after line 22, insert:

“(X) A PERMIT HOLDER MAY EMPLOY SWORN SECURITY PERSONNEL AS PART OF THE SECURITY PLAN IF THE SWORN SECURITY PERSONNEL HAVE FULL POLICE POWERS IN THE JURISDICTION WHERE THE PREMISES OF THE PERMIT HOLDER IS LOCATED.

(XI) 1. THE CIRCUIT COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER TO IMMEDIATELY CLOSE TO THE PUBLIC THE ENTIRE OPERATION OF THE PREMISES IF THE COUNTY ESTABLISHES THAT THE SECURITY PLAN HAS NOT BEEN IMPLEMENTED AND THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.

2. ON ISSUANCE OF A TEMPORARY RESTRAINING ORDER UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COUNTY

(Over)

SHALL GIVE THE PERMIT HOLDER WRITTEN NOTICE OF AND REASONS FOR THE CLOSURE.

3. THE PERMIT HOLDER PROMPTLY SHALL BE GIVEN AN OPPORTUNITY FOR A HEARING IN CIRCUIT COURT ON THE GRANTING OF THE TEMPORARY RESTRAINING ORDER IN ACCORDANCE WITH CHAPTER 500 OF THE MARYLAND RULES.

(XII) SUBJECT TO SUBPARAGRAPH (XIII) OF THIS PARAGRAPH, THE BOARD MAY IMMEDIATELY SUSPEND A PERMIT IF THE BOARD REASONABLY BELIEVES THAT THE PERMIT HOLDER VIOLATED THIS PARAGRAPH.

(XIII) IF THE BOARD IMMEDIATELY SUSPENDS A PERMIT, THE BOARD SHALL:

1. GIVE THE PERMIT HOLDER NOTICE OF THE SUSPENSION AND A HEARING ON THE SUSPENSION AT WHICH THE PERMIT HOLDER MAY BE HEARD AND PRESENT EVIDENCE; AND

2. HOLD THE HEARING WITHIN 30 DAYS AFTER THE SUSPENSION IS IMPOSED.

(XIV) AT THE HEARING, THE BOARD SHALL DETERMINE:

1. WHETHER THE PERMIT HOLDER VIOLATED THIS PARAGRAPH; AND

2. IF A VIOLATION OCCURRED, WHAT PENALTY TO IMPOSE AMONG THOSE LISTED IN SUBPARAGRAPHS (XV) AND (XVI) OF THIS PARAGRAPH.

(XV) SUBJECT TO SUBPARAGRAPH (XVI) OF THIS PARAGRAPH, IF THE BOARD FINDS THAT A PERSON HAS VIOLATED THIS PARAGRAPH, THE BOARD:

1. MAY REVOKE OR CONTINUE THE SUSPENSION OF THE PERMIT; AND

2. SHALL IMPOSE ON THE PERSON A PENALTY OF:

A. FOR A FIRST OFFENSE, AT LEAST \$1,000 BUT NOT MORE THAN \$12,500; AND

B. FOR EACH SUBSEQUENT OFFENSE, AT LEAST \$5,000.

(XVI) THE BOARD:

1. SHALL REVOKE THE PERMIT OF A PERSON WHO THE BOARD DETERMINES VIOLATED THIS PARAGRAPH TWICE WITHIN A 24-MONTH PERIOD; AND

2. UNTIL AT LEAST 12 MONTHS AFTER THE ORDER OF REVOCATION WAS ISSUED, MAY NOT CONSIDER AN APPLICATION FROM THE PERSON FOR A NEW PERMIT OR AN APPLICATION FOR A NEW PERMIT FOR THE PREMISES THAT WAS THE SUBJECT OF THE REVOCATION.

(Over)

**(XVII) IF THE BOARD DETERMINES THAT THE PERMIT HOLDER DID NOT VIOLATE THIS PARAGRAPH, THE BOARD SHALL IMMEDIATELY REINSTATE THE PERMIT.**”;

in line 23, strike “(VI)” and substitute “(XVIII)”; after line 24, insert:

“9-217.

**(N) A HOLDER OF A LICENSE ISSUED BY THE BOARD MAY NOT IMPOSE A COVER CHARGE, OFFER FACILITIES FOR PATRON DANCING, OR PROVIDE ENTERTAINMENT UNLESS THE HOLDER IS SPECIFICALLY AUTHORIZED UNDER THIS ARTICLE AND MEETS ALL REQUIREMENTS UNDER COUNTY LAW.**

**SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 1, 2013, the Board of License Commissioners shall report to the Prince George’s County House and Senate Delegations of the Maryland General Assembly, in accordance with § 2-1246 of the State Government Article, on the activities of permit holders and the impact of entertainment permits on Prince George’s County. The Board shall include in the report the amount of revenue raised by the permit fees, and the number of permits issued, suspended, or revoked, permit violations committed by permit holders, and complaints lodged against permit holders during the period of July 1, 2010, through June 30, 2013.**”;

and in line 25, strike “2.” and substitute “3.”.