

# HOUSE BILL 1119

A2

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

Introduced and read first time: February 11, 2011

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Entertainment Permit**

3 **PG 311–11**

4 FOR the purpose of specifying that certain alcoholic beverages license holders in  
5 Prince George's County need not obtain an entertainment permit under certain  
6 circumstances; requiring a holder of an entertainment permit to meet all  
7 requirements under county law; clarifying that a certain prohibition is in effect  
8 when the privileges authorized by the entertainment permit are being  
9 exercised; making a certain stylistic change; and generally relating to the  
10 issuance of entertainment permits in Prince George's County.

11 BY repealing and reenacting, without amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 6–201(r)(1)(i)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article 2B – Alcoholic Beverages  
18 Section 6–201(r)(19)  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2010 Supplement)

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

3 **Article 2B – Alcoholic Beverages**

4 6–201.

5 (r) (1) (i) This subsection applies only in Prince George’s County.

6 (19) (I) A LICENSE HOLDER THAT SEEKS TO PROVIDE  
7 ENTERTAINMENT IS NOT REQUIRED TO OBTAIN A PERMIT UNDER THIS  
8 PARAGRAPH IF:

9 1. THE LICENSE IS ISSUED UNDER PARAGRAPH (3),  
10 (9), (10), (11), (12), (13), (16), OR (17) OF THIS SUBSECTION OR § 5–201(R)(4)  
11 OF THIS ARTICLE; OR

12 2. THE BOARD OF LICENSE COMMISSIONERS  
13 DETERMINES THAT THE HOLDER’S PRINCIPAL BUSINESS IS TO PROVIDE FAMILY  
14 ENTERTAINMENT.

15 [(i)] (II) There is a special entertainment permit that the  
16 Board [of License Commissioners] may issue to a holder of any Class B (on–sale)  
17 license in accordance with this paragraph.

18 [(ii)] (III) The Board shall determine the number of days in a  
19 week that a permit holder may exercise the privileges of the permit.

20 [(iii)] (IV) 1. Before approving an application for and issuing  
21 a permit under this paragraph, the Board shall hold a public hearing in accordance  
22 with the requirements for a public hearing on an application for a license under §  
23 10–202(i) of this article.

24 2. At the public hearing, the Board shall give the  
25 applicant, supporters of the applicant, and opponents of the applicant an opportunity  
26 to be heard.

27 3. In making its determination whether to approve the  
28 application and issue the permit, the Board shall consider whether:

29 A. Approval and issuance of the permit is necessary for  
30 the accommodation of the public;

31 B. The applicant is a fit person to receive the permit;

1 C. The applicant has made any material false statement  
2 in the application;

3 D. The applicant has committed any fraudulent act in  
4 connection with the application;

5 E. The operation of the business, if the permit is issued,  
6 will unduly disturb the peace of the residents of the neighborhood where the place of  
7 business is located or to be located; and

8 F. There are any other reasons that justify the  
9 disapproval of the application or the refusal to issue the permit.

10 4. The Board shall hold a similar public hearing on  
11 receipt of a petition to:

12 A. Revoke an entertainment permit; or

13 B. Protest the renewal of an entertainment permit.

14 [(iv)] (V) 1. The permit authorizes the holder [after 9 p.m.  
15 and until 2 a.m. the following day] **THAT COMPLIES WITH ALL REQUIREMENTS**  
16 **UNDER COUNTY LAW** to impose a cover charge, offer facilities for patron dancing, and  
17 provide entertainment.

18 2. **THE PERMIT IS VALID AFTER 9 P.M. UNTIL 2 A.M.**  
19 **THE FOLLOWING DAY.**

20 [(v)] (VI) Before being issued a permit, an applicant shall:

21 1. Submit evidence to the satisfaction of the Board that  
22 the applicant:

23 A. Holds a Class B (on-sale) license; and

24 B. Meets all other entertainment permit requirements;  
25 and

26 2. A. Develop a security plan to prevent the premises  
27 for which the permit is sought from posing a threat to the peace and safety of the  
28 surrounding area; and

29 B. Submit the plan for review to the Board and the Chief  
30 of the Prince George’s County Police Department.

1                    [(vi)] (VII) 1. The Chief of the Prince George's County Police  
2 Department may submit comments to the Board on the adequacy of the security plan  
3 within 30 days after receipt of the plan.

4                    2. The Board shall consider the comments, if any, of the  
5 Chief of Police and subsequently issue the permit, refuse to issue the permit, or  
6 condition the issuance of the permit on changes to the security plan.

7                    3. If the Board issues the permit with a security plan  
8 that the Chief of the Prince George's County Police Department does not support, the  
9 Board shall specify in writing to the Chief the reasons why the Board has determined  
10 that the security plan is adequate.

11                    4. Each permit holder shall follow the approved security  
12 plan at all times when the permit holder exercises the privileges of the permit.

13                    [(vii)] (VIII) A holder of the permit:

14                    1. Shall implement the security plan; and

15                    2. [May] **WHEN THE PRIVILEGES AUTHORIZED BY**  
16 **THE PERMIT ARE BEING EXERCISED, MAY** not allow an individual who is under the  
17 age of 21 years on the premises for which the permit is issued, unless the individual is  
18 employed by or is an immediate family member of the holder.

19                    [(viii)] (IX) The Board at any time may prohibit, condition, or  
20 restrict the type of entertainment offered by a holder of the permit, including lewd,  
21 exotic, loud, or raucous entertainment, if after a hearing the Board determines that  
22 the entertainment adversely impacts or unduly disturbs the community and is not  
23 conducive to the peace, health, welfare, or safety of the residents of the County.

24                    [(ix)] (X) The annual fee for the permit is \$1,500, which is in  
25 addition to the annual fee for the Class B license.

26                    [(x)] (XI) A permit holder may employ sworn security personnel  
27 as part of the security plan if the sworn security personnel have full police powers in  
28 the jurisdiction where the premises of the permit holder is located.

29                    [(xi)] (XII) 1. The circuit court may issue a temporary  
30 restraining order to immediately close to the public the entire operation of the  
31 premises if the County establishes that the security plan has not been implemented  
32 and that the public health, safety, or welfare requires emergency action.

33                    2. On issuance of a temporary restraining order under  
34 subparagraph 1 of this subparagraph, the County shall give the permit holder  
35 written notice of and reasons for the closure.

1                   3.     The permit holder promptly shall be given an  
2 opportunity for a hearing in circuit court on the granting of the temporary restraining  
3 order in accordance with Chapter 500 of the Maryland Rules.

4                   [(xii)] **(XIII)** Subject to subparagraph [(xiii)] **(XIV)** of this  
5 paragraph, the Board may immediately suspend a permit if the Board reasonably  
6 believes that the permit holder violated this paragraph.

7                   [(xiii)] **(XIV)** If the Board immediately suspends a permit, the  
8 Board shall:

9                   1.     Give the permit holder notice of the suspension and a  
10 hearing on the suspension at which the permit holder may be heard and present  
11 evidence; and

12                   2.     Hold the hearing within 30 days after the suspension  
13 is imposed.

14                   [(xiv)] **(XV)** At the hearing, the Board shall determine:

15                   1.     Whether the permit holder violated this paragraph;  
16 and

17                   2.     If a violation occurred, what penalty to impose among  
18 those listed in subparagraphs [(xv) and] (xvi) **AND (XVII)** of this paragraph.

19                   [(xv)] **(XVI)** Subject to subparagraph [(xvi)] **(XVII)** of this  
20 paragraph, if the Board finds that a person has violated this paragraph, the Board:

21                   1.     May revoke or continue the suspension of the permit;  
22 and

23                   2.     Shall impose on the person a penalty of:

24                   A.     For a first offense, at least \$1,000 but not more than  
25 \$12,500; and

26                   B.     For each subsequent offense, at least \$5,000.

27                   [(xvi)] **(XVII)** The Board:

28                   1.     Shall revoke the permit of a person who the Board  
29 determines violated this paragraph twice within a 24-month period; and

30                   2.     Until at least 12 months after the order of revocation  
31 was issued, may not consider an application from the person for a new permit or an  
32 application for a new permit for the premises that was the subject of the revocation.

1                    [(xvii)] **(XVIII)**     If the Board determines that the permit holder  
2 did not violate this paragraph, the Board shall immediately reinstate the permit.

3                    [(xviii)] **(XIX)**     The Board of License Commissioners shall  
4 adopt regulations to carry out this paragraph.

5                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 July 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.