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April 9, 2012

The Honorable Martin O'Malley
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401-1991

RE: *House Bill 16 and Senate Bill 106 and Senate Bill 439*

Dear Governor O'Malley:

We have reviewed and hereby approve House Bill 16 and Senate Bill 106, identical bills entitled, "Alcoholic Beverage Violations - Issuance of Citations," and Senate Bill 439, "Frederick County - Alcoholic Beverages - Citations Issued by Inspectors" for constitutionality and legal sufficiency. We write to explain how the combination of the two bills should be codified if you chose to sign them.

House Bill 16/Senate Bill 106 and Senate Bill 439 each add a county to provisions of current law that permit alcoholic beverage inspectors to issue citations for violations of Criminal Law Article, §§ 10-113 through 10-115 and 10-118. House Bill 16/Senate Bill 106 simply adds Talbot County to the list of counties currently included in this provision, thus including Talbot in provisions of existing law that require that the alcoholic beverages inspector have successfully completed an appropriate program of training in the proper use of arrest authority and pertinent police procedures, and prohibit the alcoholic beverages inspector from carrying firearms in the performance of the inspector's duties. Senate Bill 439, however, rewrites the section somewhat to include Frederick in the training requirement, but exclude inspectors from Frederick from the firearms restriction. This was done by separating out the two provisions and including in each a list of the counties to which they apply. Because House Bill 16 was not yet part of the law, Talbot County was not included in either list. This oversight can properly be corrected, and both bills given effect if you choose to sign them, by codifying §10-119(b) as follows:

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(1) A citation for a violation of §§ 10-113 through 10-115 or a violation of § 10-118 of this part may be issued by:

(i) a police officer authorized to make arrests;

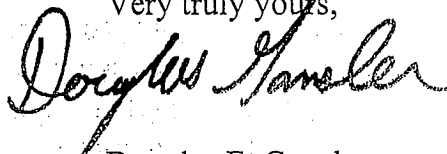
(ii) in State forestry reservations, State parks, historic monuments, and recreation areas, a forest or park warden under § 5-206(a) or (b) of the Natural Resources Article; and

(iii) Subject to paragraphs (2) and (3) of this subsection, in Anne Arundel County, Frederick County, Harford County, Montgomery County, Prince George's County and Talbot County, and only in the inspector's jurisdiction, an alcoholic beverages inspector who investigates license violations under Article 2B of the Code.

(2) In Anne Arundel County, Frederick County, Harford County, Montgomery County, Prince George's County, and Talbot County, the inspector shall successfully complete an appropriate program of training in the proper use of arrest authority and pertinent police procedures as required by the board of license commissioners.

(3) In Anne Arundel County, Harford County, Montgomery County, Prince George's County, and Talbot County, the inspector may not carry a firearm in the performance of the inspector's duties.

Very truly yours,



Douglas F. Gansler
Attorney General

DFG/KMR/kk

cc: The Honorable David R. Brinkley
The Honorable Jeannie Haddaway-Riccio
Joseph Bryce
Karl Aro