

# HOUSE BILL 1181

E2

2lr2719

---

By: **Charles County Delegation**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Obtaining or Furnishing Alcoholic Beverage for**  
3 **Underage Consumption – Citation**

4 FOR the purpose of providing that a person who violates certain provisions of law  
5 prohibiting the obtaining or furnishing of an alcoholic beverage for underage  
6 consumption may be charged by a citation; authorizing a certain police officer to  
7 issue a certain citation if there is probable cause to believe that a certain person  
8 is committing or has committed a certain violation; specifying the required  
9 contents of a certain citation; requiring a certain police officer to forward to the  
10 appropriate court a copy of a certain citation; requiring the court to promptly  
11 schedule a certain case for trial and summon the defendant to appear; providing  
12 that willful failure of the defendant to respond to a certain summons is  
13 contempt of court; and generally relating to obtaining or furnishing an alcoholic  
14 beverage for underage consumption.

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Law  
17 Section 10–121  
18 Annotated Code of Maryland  
19 (2002 Volume and 2011 Supplement)

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

22 **Article – Criminal Law**

23 10–121.

24 (a) This section does not apply to a person who:

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) was acting in the capacity of a licensee, or an employee of a  
2 licensee, under Article 2B of the Code; and

3 (2) has committed a violation of and is subject to the penalties under  
4 Article 2B, § 12–108 of the Code.

5 (b) An adult who violates § 10–116 or § 10–117 of this subtitle is guilty of a  
6 misdemeanor and on conviction is subject to:

7 (1) a fine not exceeding \$2,500 for a first offense; or

8 (2) a fine not exceeding \$5,000 for a second or subsequent offense.

9 (c) (1) **A PERSON WHO VIOLATES § 10–116 OR § 10–117 OF THIS**  
10 **SUBTITLE MAY BE CHARGED BY A CITATION.**

11 (2) **A CITATION FOR A VIOLATION OF § 10–116 OR § 10–117 OF**  
12 **THIS SUBTITLE MAY BE ISSUED TO A PERSON BY A POLICE OFFICER**  
13 **AUTHORIZED TO MAKE ARRESTS IF THERE IS PROBABLE CAUSE TO BELIEVE**  
14 **THAT THE PERSON IS COMMITTING OR HAS COMMITTED A VIOLATION OF §**  
15 **10–116 OR § 10–117 OF THIS SUBTITLE.**

16 (3) **A CITATION ISSUED UNDER THIS SUBSECTION SHALL**  
17 **CONTAIN:**

18 (I) **THE NAME AND ADDRESS OF THE PERSON CHARGED;**

19 (II) **THE STATUTE ALLEGEDLY VIOLATED;**

20 (III) **THE LOCATION, DATE, AND TIME THAT THE VIOLATION**  
21 **OCCURRED;**

22 (IV) **THE FINE OR TERM OF IMPRISONMENT THAT MAY BE**  
23 **IMPOSED;**

24 (V) **A NOTICE STATING THAT PREPAYMENT OF A FINE IS NOT**  
25 **ALLOWED;**

26 (VI) **A NOTICE THAT THE COURT SHALL PROMPTLY SEND TO**  
27 **THE PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL; AND**

28 (VII) **THE SIGNATURE OF THE POLICE OFFICER ISSUING THE**  
29 **CITATION.**

1                   **(4) (I) THE POLICE OFFICER WHO ISSUED THE CITATION**  
2 **SHALL FORWARD TO THE APPROPRIATE COURT A COPY OF THE CITATION.**

3                   **(II) THE COURT SHALL PROMPTLY SCHEDULE THE CASE**  
4 **FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.**

5                   **(III) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO**  
6 **THE SUMMONS IS CONTEMPT OF COURT.**

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2012.