

# SENATE BILL 106

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CF HB 16

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By: **Senator Colburn**

Introduced and read first time: January 17, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Talbot County – Alcoholic Beverages Violations – Issuance of Citations**

3 FOR the purpose of authorizing certain alcoholic beverages inspectors in Talbot  
4 County to issue citations for certain alcoholic beverages violations; and  
5 generally relating to the issuance of citations for alcoholic beverages violations  
6 by alcoholic beverages inspectors in Talbot County.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Law  
9 Section 10–119  
10 Annotated Code of Maryland  
11 (2002 Volume and 2011 Supplement)

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

14 **Article – Criminal Law**

15 10–119.

16 (a) (1) A person who violates §§ 10–113 through 10–115 or § 10–118 of  
17 this part shall be issued a citation under this section.

18 (2) A minor who violates § 10–116 or § 10–117(a) of this part shall be  
19 issued a citation under this section.

20 (b) A citation for a violation of §§ 10–113 through 10–115 or a violation of §  
21 10–118 of this part may be issued by:

22 (1) a police officer authorized to make arrests;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4           (3)     in Anne Arundel County, Frederick County, Harford County,  
5 Montgomery County, [and] Prince George’s County, **AND TALBOT COUNTY**, and only  
6 in the inspector’s jurisdiction, an alcoholic beverages inspector who investigates  
7 license violations under Article 2B of the Code if the inspector:

8                   (i)     has successfully completed an appropriate program of  
9 training in the proper use of arrest authority and pertinent police procedures as  
10 required by the board of license commissioners; and

11                   (ii)    does not carry firearms in the performance of the inspector’s  
12 duties.

13           (c)     A person authorized under this section to issue a citation shall issue it if  
14 the person has probable cause to believe that the person charged is committing or has  
15 committed a Code violation.

16           (d)     (1)    Subject to paragraph (2) of this subsection, the form of citation  
17 issued to an adult shall be as prescribed by the District Court and shall be uniform  
18 throughout the State.

19                   (2)    The citation issued to an adult shall contain:

20                           (i)    the name and address of the person charged;

21                           (ii)   the statute allegedly violated;

22                           (iii)  the location, date, and time that the violation occurred;

23                           (iv)   the fine that may be imposed;

24                           (v)   a notice stating that prepayment of the fine is not allowed;

25                           (vi)   a notice that the District Court shall promptly send the  
26 person charged a summons to appear for trial;

27                           (vii)  the signature of the person issuing the citation; and

28                           (viii) a space for the person charged to sign the citation.

29           (3)     The form of citation issued to a minor shall:

30                   (i)     be prescribed by the State Court Administrator;

1 (ii) be uniform throughout the State; and  
2 (iii) contain the information listed in § 3–8A–33(b) of the Courts  
3 Article.

4 (e) (1) Except for a citation subject to the jurisdiction of a circuit court,  
5 the issuing jurisdiction shall forward a copy of the citation and a request for trial to  
6 the District Court in the district having venue.

7 (2) (i) The District Court shall promptly schedule the case for trial  
8 and summon the defendant to appear.

9 (ii) Willful failure of the defendant to respond to the summons is  
10 contempt of court.

11 (f) (1) For purposes of this section, a violation of §§ 10–113 through  
12 10–115 or a violation of § 10–118 of this part is a Code violation and is a civil offense.

13 (2) A person charged who is under the age of 18 years shall be subject  
14 to the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts  
15 Article.

16 (3) A person charged who is at least 18 years old shall be subject to the  
17 provisions of this section.

18 (4) Adjudication of a Code violation is not a criminal conviction for any  
19 purpose, and it does not impose any of the civil disabilities ordinarily imposed by a  
20 criminal conviction.

21 (g) In any proceeding for a Code violation:

22 (1) the State has the burden to prove the guilt of the defendant to the  
23 same extent as is required by law in the trial of criminal causes, and in any such  
24 proceeding, the court shall apply the evidentiary standards as prescribed by law or  
25 rule for the trial of criminal causes;

26 (2) the court shall ensure that the defendant has received a copy of the  
27 charges against the defendant and that the defendant understands those charges;

28 (3) the defendant is entitled to cross-examine all witnesses who  
29 appear against the defendant, to produce evidence or witnesses on behalf of the  
30 defendant, or to testify on the defendant's own behalf, if the defendant chooses to do  
31 so;

32 (4) the defendant is entitled to be represented by counsel of the  
33 defendant's choice and at the expense of the defendant; and

1           (5) the defendant may enter a plea of guilty or not guilty, and the  
2 verdict of the court in the case shall be:

3                   (i) guilty of a Code violation;

4                   (ii) not guilty of a Code violation; or

5                   (iii) before rendering judgment, the court may place the  
6 defendant on probation in the same manner and to the same extent as is allowed by  
7 law in the trial of a criminal case.

8           (h) (1) Except as provided in paragraph (2) of this subsection, if the  
9 District Court finds that a person has committed a Code violation, the court shall  
10 require the person to pay:

11                   (i) a fine not exceeding \$500; or

12                   (ii) if the violation is a subsequent violation, a fine not  
13 exceeding \$1,000.

14           (2) If the District Court finds that a person has committed a Code  
15 violation under § 10–117 of this subtitle, the court shall require the person to pay:

16                   (i) a fine not exceeding \$2,500; or

17                   (ii) if the violation is a subsequent violation, a fine not  
18 exceeding \$5,000.

19           (3) The Chief Judge of the District Court may not establish a schedule  
20 for the prepayment of fines for a Code violation under this part.

21           (i) When a defendant has been found guilty of a Code violation and a fine  
22 has been imposed by the court:

23                   (1) the court may direct that the payment of the fine be suspended or  
24 deferred under conditions that the court may establish; and

25                   (2) if the defendant willfully fails to pay the fine imposed by the court,  
26 that willful failure may be treated as a criminal contempt of court, for which the  
27 defendant may be punished by the court as provided by law.

28           (j) (1) The defendant is liable for the costs of the proceedings in the  
29 District Court and for payment to the Criminal Injuries Compensation Fund.

30                   (2) The court costs in a Code violation case in which costs are imposed  
31 are \$5.

1 (k) (1) In this subsection, “driver’s license” means a license or permit to  
2 drive a motor vehicle that is issued under the laws of this State or any other  
3 jurisdiction.

4 (2) This subsection applies only to:

5 (i) a person who is at least 18 but under 21 years of age; or

6 (ii) a minor if the minor is subject to the jurisdiction of the  
7 court.

8 (3) If a person is found guilty of a Code violation under § 10–113 of  
9 this part that involved the use of a driver’s license or a document purporting to be a  
10 driver’s license, the court shall notify the Motor Vehicle Administration of the  
11 violation.

12 (4) The Chief Judge of the District Court, in conjunction with the  
13 Motor Vehicle Administrator, shall establish uniform procedures for reporting Code  
14 violations described in this subsection.

15 (l) (1) A defendant who has been found guilty of a Code violation has the  
16 right to appeal or to file a motion for a new trial or a motion for a revision of a  
17 judgment provided by law in the trial of a criminal case.

18 (2) A motion shall be made in the same manner as provided in the  
19 trial of criminal cases, and the court, in ruling on the motion has the same authority  
20 provided in the trial of criminal cases.

21 (m) (1) The State’s Attorney for any county may prosecute a Code violation  
22 in the same manner as prosecution of a violation of the criminal laws of this State.

23 (2) In a Code violation case the State’s Attorney may:

24 (i) enter a nolle prosequi in or place the case on the stet docket;  
25 and

26 (ii) exercise authority in the same manner as prescribed by law  
27 for violation of the criminal laws of this State.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 2012.