

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1181

(Charles County Delegation)

Judiciary

Criminal Procedure - Obtaining or Furnishing Alcoholic Beverage for Underage Consumption - Citation

This bill authorizes a police officer authorized to make arrests to issue a citation when the police officer has probable cause to believe that an adult has violated the prohibitions on obtaining or furnishing an alcoholic beverage for underage consumption. The bill also requires a citation to include specified information, including the statute allegedly violated, the potential fine or imprisonment for the alleged violation, a notice that prepayment of the fine is prohibited, and a notice that the court must promptly send a summons to appear for trial to the recipient of the citation. The police officer who issued the citation must forward a copy of the citation to the appropriate court, and the court must promptly schedule the case for trial and summon the defendant to appear. Willful failure of the defendant to respond to the summons is contempt of court.

Fiscal Summary

State Effect: None. The bill codifies current practice and does not affect caseloads of the District Court.

Local Effect: None. The bill codifies current practice and does not affect circuit court caseloads.

Small Business Effect: None.

Analysis

Current Law:

Obtaining Alcoholic Beverages for Underage Consumption:

A person may not obtain, or attempt to obtain, an alcoholic beverage from an alcoholic beverages licensee for consumption by another person who the individual obtaining or attempting to obtain the beverage knows is younger than age 21.

Furnishing for or Allowing Underage Consumption:

A person may not furnish an alcoholic beverage to an individual if (1) the person furnishing the alcoholic beverage knows that the individual is younger than age 21; and (2) the alcoholic beverage is furnished for the purpose of consumption by the individual younger than age 21. An adult may not knowingly and willfully allow an individual younger than age 21 to possess or consume an alcoholic beverage at a residence, or within the curtilage of a residence that the adult owns or leases and in which the adult resides. These prohibitions do not apply if the individual and the adult are participants in a religious ceremony or are members of the same immediate family and the beverage is furnished and consumed within a private residence or within the curtilage of the residence.

Other than an alcoholic beverages licensee or an employee of a licensee, an adult who violates the prohibitions on obtaining or furnishing alcoholic beverages is guilty of a misdemeanor and subject to a maximum fine of \$2,500 for a first offense or a maximum fine of \$5,000 for a second or subsequent offense.

Background: According to the Judiciary, misdemeanor violations for obtaining or furnishing alcoholic beverages for underage consumption are handled through the issuance of citations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Garrett, and Montgomery counties; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2012
ncs/kdm

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