

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 964
Economic Matters

(Delegate Niemann, *et al.*)

Alcoholic Beverages - Unlawful Drinking or Possessing an Open Container -
Failure to Appear in Court

This bill clarifies the penalty for failure to appear in court for a person charged with a misdemeanor for either unlawful drinking or for possessing an open container of any alcoholic beverage in specified areas. A person who fails to appear in court for either of these misdemeanors is guilty of a misdemeanor and on conviction is subject to a fine of up to \$500 and/or imprisonment for up to 90 days.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: None. The bill clarifies current law.

Local Effect: None. The bill clarifies current law.

Small Business Effect: None.

Analysis

Current Law:

Unlawful Drinking

Except in Kent and Queen Anne's counties, and for passengers of a chartered bus or passengers in the living quarters of a motor home under specified circumstances, a person may not drink an alcoholic beverage, unless they are specifically authorized, while:

- on public property including any building, ground, park, street, highway, alley, sidewalk, station, terminal, or other structure, road, or parking area located on land owned, leased, or operated by the State, a county, a municipality, Washington Suburban Sanitary Commission, Maryland-National Capital Park and Planning Commission, Montgomery County Revenue Authority, or Washington Metropolitan Area Transit Authority;
- on the mall, adjacent parking area, or other area outside of a shopping center;
- on an adjacent parking area or other outside area of any other retail establishment;
or
- in any parked vehicle located on any place specified above.

Possessing an Open Container

A person is prohibited from possessing an alcoholic beverage in an open container, unless they are specifically authorized, while:

- on the mall, adjacent parking area, or other area outside of a shopping center;
- on an adjacent parking area or other outside area of any other retail establishment;
or
- in any parked vehicle located on any place specified above.

Penalties Under Current Law

Violators found to be unlawfully drinking or possessing an open container of any alcoholic beverage are guilty of a misdemeanor and subject to a fine up to \$100. In Prince George's County, a violator must comply with the command in the charging document to appear in court by appearing in court in person.

Except where otherwise specified by law, a bench warrant may be issued for the arrest of a defendant who fails to appear in court in response to a citation. A person who fails to appear in court in response to a citation is guilty of a misdemeanor and on conviction is subject to a fine up to \$500 and/or imprisonment for up to 90 days.

Background: According to the Judiciary, in 2013, there were 3,427 cases in the District Court involving unlawful drinking or possessing an open container of an alcoholic beverage. The Judiciary is unable to determine in how many of these cases a defendant failed to appear.

According to the Department of Public Safety and Correctional Services (DPSCS), in fiscal 2012, DPSCS Community Supervision received 12 individuals on probation for the offense of “failure to appear.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of State Police; Office of the Public Defender; Department of Public Safety and Correctional Services; State’s Attorneys’ Association; Baltimore City; Kent, Montgomery, Washington, and Worcester counties; Town of Bel Air; City of Salisbury; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2014
mc/lgc

Analysis by: Trevor S. Owen

Direct Inquiries to:
(410) 946-5510
(301) 970-5510