

HOUSE BILL 409

E1

6lr1286
CF SB 564

By: **Delegates Fraser–Hidalgo, Dumais, A. Miller, Anderson, Barkley, Barve, Beidle, Carr, Cullison, Folden, Gilchrist, Gutierrez, Hill, Hixson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, McCray, Moon, Morales, Platt, Reznik, S. Robinson, Smith, Valentino–Smith, Waldstreicher, C. Wilson, and Zucker**

Introduced and read first time: January 29, 2016

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2016

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Providing Alcohol to Underage Drinkers – Penalties**
3 **(Alex and Calvin’s Law)**

4 FOR the purpose of increasing penalties for certain violations of prohibitions relating to
5 obtaining or furnishing alcoholic beverages for individuals under a certain age or
6 allowing an individual under a certain age to possess or consume alcoholic beverages
7 under certain circumstances; and generally relating to underage consumption of
8 alcohol.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Law
11 Section 10–116 and 10–117
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 10–121
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Criminal Law**

4 10–116.

5 An individual may not obtain, or attempt to obtain by purchase or otherwise, an
6 alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by
7 another who the individual obtaining or attempting to obtain the beverage knows is under
8 the age of 21 years.

9 10–117.

10 (a) Except as provided in subsection (c) of this section, a person may not furnish
11 an alcoholic beverage to an individual if:

12 (1) the person furnishing the alcoholic beverage knows that the individual
13 is under the age of 21 years; and

14 (2) the alcoholic beverage is furnished for the purpose of consumption by
15 the individual under the age of 21 years.

16 (b) Except as provided in subsection (c) of this section, an adult may not
17 knowingly and willfully allow an individual under the age of 21 years actually to possess
18 or consume an alcoholic beverage at a residence, or within the curtilage of a residence that
19 the adult owns or leases and in which the adult resides.

20 (c) (1) The prohibition set forth in subsection (a) of this section does not apply
21 if the person furnishing the alcoholic beverage and the individual to whom the alcoholic
22 beverage is furnished:

23 (i) are members of the same immediate family, and the alcoholic
24 beverage is furnished and consumed in a private residence or within the curtilage of the
25 residence; or

26 (ii) are participants in a religious ceremony.

27 (2) The prohibition set forth in subsection (b) of this section does not apply
28 if the adult allowing the possession or consumption of the alcoholic beverage and the
29 individual under the age of 21 years who possesses or consumes the alcoholic beverage:

30 (i) are members of the same immediate family, and the alcoholic
31 beverage is possessed and consumed in a private residence, or within the curtilage of the
32 residence, of the adult; or

33 (ii) are participants in a religious ceremony.

1 10-121.

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

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

5 (2) has committed a violation of and is subject to the penalties under
6 Article 2B, § 12-108 of the Code.

7 (b) **(1)** An adult who violates § 10-116 or ~~§ 10-117~~ **§ 10-117(A)** of this subtitle
8 is guilty of a misdemeanor and on conviction is subject to:

9 ~~(1)~~ **(I)** ~~for a fine not exceeding \$2,500 for a first offense, IMPRISONMENT~~
10 ~~NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH;~~ or

11 ~~(2)~~ **(II)** ~~for a fine not exceeding \$5,000 for a second or subsequent offense,~~
12 ~~IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$7,500 OR~~
13 ~~BOTH.~~

14 **(2) AN ADULT WHO VIOLATES § 10-117(B) OF THIS SUBTITLE IS**
15 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

16 **(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1**
17 **YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; OR**

18 **(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT**
19 **NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$7,500 OR BOTH.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.