

Chapter 513

(House Bill 409)

AN ACT concerning

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

FOR the purpose of prohibiting a person from committing a certain violation relating to alcoholic beverages under certain circumstances; increasing penalties for certain violations of prohibitions relating to obtaining or furnishing alcoholic beverages for individuals under a certain age or allowing an individual under a certain age to possess or consume alcoholic beverages under certain circumstances; establishing a certain penalty; and generally relating to underage consumption of alcohol.

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

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–117 and 10–121
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

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

Article – Criminal Law

10–116.

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

10–117.

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

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

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

(b) Except as provided in subsection (c) of this section, an adult may not knowingly and willfully allow an individual under the age of 21 years actually 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.

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

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

(ii) are participants in a religious ceremony.

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

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

(ii) are participants in a religious ceremony.

(D) A PERSON MAY NOT VIOLATE SUBSECTION (A) OR (B) OF THIS SECTION IF THE VIOLATION INVOLVES AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO:

(1) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN WOULD OPERATE A MOTOR VEHICLE AFTER CONSUMING THE ALCOHOLIC BEVERAGE; AND

(2) AS A RESULT OF OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR WHILE IMPAIRED BY ALCOHOL, CAUSES SERIOUS PHYSICAL INJURY OR DEATH TO THE INDIVIDUAL OR ANOTHER.

10-121.

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

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

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

(b) ~~(1)~~ ~~AN~~ EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ~~AN~~ adult who violates § 10-116 or ~~§ 10-117~~ ~~§ 10-117(A)~~ § 10-117 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

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

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

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

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

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

(1) A FINE NOT EXCEEDING \$2,500 FOR A FIRST OFFENSE; OR

(2) A FINE NOT EXCEEDING \$5,000 FOR A SECOND OR SUBSEQUENT OFFENSE.

(C) AN ADULT WHO VIOLATES § 10-117(D) OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

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

Approved by the Governor, May 19, 2016.