

SENATE BILL 837

A2

7lr3096
CF HB 1480

By: **Washington County Senators**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2017

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Penalties**

3 FOR the purpose of ~~authorizing the Washington County Board of License Commissioners~~
4 ~~to impose on a license holder or an employee of a license holder a certain fine for a~~
5 ~~first offense for selling or providing alcoholic beverages to an individual under the~~
6 ~~age of 21 years; specifying certain criminal procedures for a subsequent offense for a~~
7 ~~license holder or an employee of a license holder who sells or provides alcoholic~~
8 ~~beverages to an individual under the age of 21 years; providing that for each~~
9 ~~subsequent offense, a license holder or an employee of the license holder who violates~~
10 ~~a certain provision of law is guilty of a misdemeanor and is subject to a certain fine;~~
11 providing that in Washington County a violation of the prohibition against selling or
12 providing alcoholic beverages to an individual under the age of 21 years is a
13 misdemeanor; authorizing the Board of License Commissioners to impose certain
14 penalties on an employee of a license holder or a license holder who violates the
15 prohibition; authorizing the Board to suspend or revoke a license under certain
16 conditions; and generally relating to alcoholic beverages in Washington County.

17 BY repealing and reenacting, without amendments,

18 Article – Alcoholic Beverages

19 Section 31–102

20 Annotated Code of Maryland

21 (2016 Volume and 2016 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Alcoholic Beverages

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 31-2702
 2 Annotated Code of Maryland
 3 (2016 Volume and 2016 Supplement)

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

6 **Article – Alcoholic Beverages**

7 31-102.

8 This title applies only in Washington County.

9 31-2702.

10 ~~(A) FOR A FIRST OFFENSE, IF A LICENSE HOLDER OR AN EMPLOYEE OF A~~
 11 ~~LICENSE HOLDER VIOLATES § 6-304 OF THIS ARTICLE, THE BOARD MAY IMPOSE ON~~
 12 ~~THE LICENSE HOLDER OR THE EMPLOYEE OF THE LICENSE HOLDER A FINE NOT~~
 13 ~~EXCEEDING \$200.~~

14 ~~[(a)] (B) [A] FOR EACH SUBSEQUENT OFFENSE, A license holder or an~~
 15 ~~employee of a license holder who is charged with a violation of § 6-304 of this article:~~

16 (1) shall receive a summons to appear in court on a certain day to answer
 17 the charges placed against the license holder or employee; and

18 (2) may not be required to post bail pending trial in any court in the State.

19 ~~[(b)] (C) A license holder or an employee of a license holder may not be found~~
 20 ~~guilty of a violation of § 6-304 of this article if:~~

21 (1) the license holder or employee establishes to the satisfaction of the
 22 finder of fact that the license holder or employee used due caution to establish that the
 23 individual was not under the age of 21 years; and

24 (2) the individual was not a resident of the State.

25 ~~[(c)] (D) [If an employee of a license holder violates § 6-304 of this article, the~~
 26 ~~Board may impose on the employee a fine not exceeding \$200] FOR EACH SUBSEQUENT~~
 27 ~~OFFENSE, A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO~~
 28 ~~VIOLATES § 6-304 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON~~
 29 ~~CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.~~

30 **(C) (1) A VIOLATION OF § 6-304 OF THIS ARTICLE IS A MISDEMEANOR.**

1 **(2) IF AN EMPLOYEE OF A LICENSE HOLDER VIOLATES § 6-304 OF**
2 **THIS ARTICLE, THE BOARD MAY IMPOSE ON THE EMPLOYEE A FINE NOT EXCEEDING:**

3 **(I) FOR A FIRST OFFENSE, \$200; AND**

4 **(II) FOR EACH SUBSEQUENT OFFENSE, \$500.**

5 **(3) IF A LICENSE HOLDER VIOLATES § 6-304 OF THIS ARTICLE, THE**
6 **BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500, SUSPEND OR REVOKE THE**
7 **LICENSE, OR IMPOSE BOTH A FINE AND SUSPEND OR REVOKE THE LICENSE.**

8 ~~f(d)~~ ~~(E)~~ The granting of probation before judgment to a license holder or an
9 employee of the license holder for a violation of § 6-304 of this article does not bar the Board
10 from proceeding administratively against the license holder for the violation.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.