

SENATE BILL 222

A2

~~EMERGENCY BILL~~

2lr1389
CF HB 372

By: **Senator Ferguson**

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2022

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Board of License Commissioners – Licensee Hours of Operation**
3 **and Enforcement**

4 FOR the purpose of prohibiting a holder of a Class A license, a Class B–D–7 license, or an
5 adult entertainment license issued by the Board of License Commissioners for
6 Baltimore City from operating in a certain area in Baltimore City later than a certain
7 time unless the license holder takes certain security measures; requiring the
8 Downtown Commercial District Authority to enter into a contract with the Baltimore
9 Police Department for the hiring of certain police officers for a certain purpose; and
10 generally relating to the hours of operation for alcoholic beverages and adult
11 entertainment licensees in Baltimore City.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 12–102
15 Annotated Code of Maryland
16 (2016 Volume and 2021 Supplement)

17 BY adding to
18 Article – Alcoholic Beverages
19 Section 12–2009
20 Annotated Code of Maryland
21 (2016 Volume and 2021 Supplement)

22 BY repealing and reenacting, without amendments,

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 The Charter of Baltimore City
 2 Article II – General Powers
 3 Section (61)(a)(1)
 4 (2007 Replacement Volume, as amended)

5 BY repealing and reenacting, with amendments,
 6 The Charter of Baltimore City
 7 Article II – General Powers
 8 Section (61)(b)
 9 (2007 Replacement Volume, as amended)

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

12 **Article – Alcoholic Beverages**

13 12–102.

14 This title applies only in Baltimore City.

15 **12–2009.**

16 (A) IN THIS SECTION, “ADULT ENTERTAINMENT” HAS THE MEANING STATED
 17 IN ARTICLE 15, § 1–1 OF THE BALTIMORE CITY CODE.

18 (B) THIS SECTION APPLIES ONLY TO:

19 (1) A HOLDER OF A CLASS A LICENSE;

20 (2) A HOLDER OF A CLASS B–D–7 LICENSE; AND

21 (3) A HOLDER OF AN ADULT ENTERTAINMENT LICENSE ISSUED BY
 22 THE BOARD UNDER § 12–2102 OF THIS TITLE AND ARTICLE 15, SUBTITLE 1 OF THE
 23 BALTIMORE CITY CODE.

24 (C) ~~THE~~ **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE**
 25 **HOLDER OF A LICENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION MAY NOT**
 26 **OPERATE AN ESTABLISHMENT LATER THAN 10 P.M. IF THE ESTABLISHMENT IS IN AN**
 27 **AREA BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF HOLLIDAY STREET AND**
 28 **EAST FAYETTE STREET, EAST ON EAST FAYETTE STREET TO THE INTERSECTION**
 29 **WITH NORTH GAY STREET, SOUTH ON NORTH GAY STREET TO THE INTERSECTION**
 30 **WITH EAST BALTIMORE STREET, SOUTH ON SOUTH GAY STREET TO THE**
 31 **INTERSECTION WITH WATER STREET, WEST ON WATER STREET TO THE**
 32 **INTERSECTION WITH COMMERCE STREET, NORTH ON COMMERCE STREET TO THE**
 33 **INTERSECTION WITH EAST BALTIMORE STREET, THEN NORTH ON HOLLIDAY**

1 STREET BACK TO THE INTERSECTION OF HOLLIDAY STREET AND EAST FAYETTE
2 STREET.

3 (D) (1) THE HOLDER OF A LICENSE DESCRIBED IN SUBSECTION (B) OF
4 THIS SECTION THAT OPERATES AN ESTABLISHMENT BOUNDED IN THE AREA
5 DESCRIBED IN SUBSECTION (C) OF THIS SECTION MAY OPERATE THE
6 ESTABLISHMENT WITHIN THE HOURS OF OPERATION AUTHORIZED BY THE LICENSE
7 IF THE HOLDER SUBMITS TO THE BOARD A SECURITY PLAN THAT IS APPROVED BY
8 THE BOARD AFTER CONSULTATION WITH THE BALTIMORE POLICE DEPARTMENT.

9 (2) THE SECURITY PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS
10 SUBSECTION SHALL INCLUDE:

11 (I) THE HIRING OF SECURITY PERSONNEL TO BE PRESENT AT
12 THE LICENSED PREMISES DURING ALL HOURS OF OPERATION;

13 (II) THE PLACEMENT OF SECURITY PERSONNEL INSIDE AND
14 IMMEDIATELY OUTSIDE THE LICENSED PREMISES;

15 (III) PROCEDURES FOR SECURING THE ESTABLISHMENT AND
16 EACH ENTRYWAY INTO THE ESTABLISHMENT, INCLUDING THE CONSISTENT USE OF
17 METAL DETECTORS, AND THE AREA IMMEDIATELY AROUND THE ESTABLISHMENT;

18 (IV) A PLAN FOR COMMUNICATION BETWEEN SECURITY AND THE
19 BALTIMORE POLICE DEPARTMENT;

20 (V) A PLAN FOR NOT EXCEEDING A CAPACITY LIMIT FOR THE
21 LICENSED PREMISES DETERMINED BY THE BALTIMORE CITY FIRE MARSHAL; AND

22 (VI) THE NAME OF AND DIRECT CONTACT INFORMATION FOR
23 THE OWNER AND MANAGER OF THE LICENSED PREMISES.

24 (3) THE HOLDER OF A LICENSE UNDER THIS SUBSECTION SHALL, FOR
25 SECURITY PERSONNEL HIRED IN ACCORDANCE WITH PARAGRAPH (2)(I) OF THIS
26 SUBSECTION:

27 (I) PROVIDE THE IDENTIFYING INFORMATION, INCLUDING
28 NAME, BIRTHDATE, HOME ADDRESS, AND TELEPHONE NUMBER, OF SECURITY
29 PERSONNEL WHO ARE REGULAR OR PART-TIME EMPLOYEES, INCLUDING
30 TEMPORARY EMPLOYEES DURING THE PRECEDING QUARTER, OF THE LICENSED
31 PREMISES TO THE BALTIMORE POLICE DEPARTMENT ON A QUARTERLY BASIS; AND

32 (II) ENSURE THAT A SECURITY GUARD WHO WORKS FOR A
33 THIRD-PARTY SECURITY CONTRACTOR CARRIES DOCUMENTATION SHOWING THEIR

1 SECURITY GUARD CERTIFICATION WITH THE MARYLAND STATE POLICE WHILE
2 THEY ARE WORKING.

3 (4) (I) THE HOLDER OF A LICENSE UNDER THIS SUBSECTION
4 SHALL SUBMIT AN UPDATED SECURITY PLAN TO THE BOARD EACH YEAR WITH AN
5 APPLICATION FOR LICENSE RENEWAL UNDER § 12-1802 OF THIS TITLE.

6 (II) THE BOARD, IN CONSULTATION WITH THE BALTIMORE
7 POLICE DEPARTMENT, SHALL CONSIDER THE LICENSE HOLDER'S COMPLIANCE
8 WITH THE PREVIOUS YEAR'S SECURITY PLAN BEFORE DETERMINING WHETHER TO
9 APPROVE THE LICENSE HOLDER'S UPDATED SECURITY PLAN.

10 (E) (1) THE HOLDER OF A LICENSE DESCRIBED IN SUBSECTION (B) OF
11 THIS SECTION THAT OPERATES AN ESTABLISHMENT BOUNDED IN THE AREA
12 DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL MAINTAIN AND OPERATE A
13 DIGITAL SURVEILLANCE SYSTEM ON THE EXTERIOR OF THE LICENSED PREMISES.

14 (2) THE DIGITAL SURVEILLANCE SYSTEM UNDER PARAGRAPH (1) OF
15 THIS SUBSECTION SHALL:

16 (I) BE EQUIPPED WITH HIGH-DEFINITION CAMERAS THAT
17 PROVIDE CONTINUOUS, 24-HOUR VIDEO MONITORING WITHOUT AUDIO RECORDING
18 CAPACITY PLACED OUTSIDE THE LICENSED PREMISES IN SUCH A WAY THAT THE
19 EXTERIOR OF EACH ENTRYWAY INTO AND EXIT AWAY FROM THE LICENSED
20 PREMISES IS MONITORED;

21 (II) RETAIN VIDEO RECORDED FROM THE SURVEILLANCE
22 SYSTEM FOR NOT LESS THAN 14 DAYS; AND

23 (III) BE REGISTERED WITH AND ACCESSIBLE BY THE BALTIMORE
24 CITY INTELLIGENCE CENTER.

25 (3) THE LICENSE HOLDER SHALL, ON REQUEST, PROVIDE A
26 RECORDING CREATED BY THE DIGITAL SURVEILLANCE SYSTEM IN THIS SUBSECTION
27 TO THE BALTIMORE POLICE DEPARTMENT.

28 (F) THE BOARD, AFTER CONSULTATION WITH THE BALTIMORE POLICE
29 DEPARTMENT, MAY AUTHORIZE AN EXEMPTION FROM THE PROVISIONS OF
30 SUBSECTION (D) OF THIS SECTION FOR AN ESTABLISHMENT OPERATING UNDER A
31 CLASS A LICENSE.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
33 as follows:

1 the hearing in a newspaper of general circulation in Baltimore City at least once a week for
 2 three consecutive weeks before the hearing.

3 [(7)] (VII) to do all things necessary or convenient to carry out its powers.

4 [(8)] (VIII) to adopt, amend and modify by-laws, all of which shall be subject
 5 to the approval of the Board of Estimates.

6 [(9)] (IX) to establish and elect officers and provide for their terms and
 7 duties.

8 [(10)] (X) to contract for and purchase goods and services, not subject to
 9 the City requirements regarding wage scales, competitive bidding or other local
 10 procurement laws; however the Authority shall be subject to City ordinances and City
 11 policy requiring achievement of goals regarding minority and women's business
 12 enterprises.

13 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
 14 measure, is necessary for the immediate preservation of the public health or safety, has
 15 been passed by a yea and nay vote supported by three-fifths of all the members elected to
 16 each of the two Houses of the General Assembly, and shall take effect from the date it is
 17 enacted shall take effect July 1, 2022. Section 2 of this Act shall remain effective for a period
 18 of 5 years and, at the end of June 30, 2027, Section 2 of this Act, with no further action
 19 required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.