

# HOUSE BILL 1441

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By: **Delegate Embry**

Introduced and read first time: February 13, 2026

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Public Consumption and Open Container – Prepayment of**  
3 **Citation**

4 FOR the purpose of requiring a citation issued for violations relating to public consumption  
5 of alcohol and possession of an open container to contain notice that fines for the  
6 violation may be prepaid; establishing a maximum fine for public consumption and  
7 open container violations and authorizing the Chief Judge of the District Court to  
8 establish a schedule for prepayment of the fines; establishing that prepayment of a  
9 fine is a plea of guilty; authorizing a court to hold a hearing and impose a certain  
10 fine for a person who does not prepay the fine or appear at a scheduled hearing; and  
11 generally relating to alcoholic beverages violations.

12 BY repealing and reenacting, with amendments,  
13 Article – Criminal Law  
14 Section 10–119  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2025 Supplement)

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

19 **Article – Criminal Law**

20 10–119.

21 (a) (1) A person shall be issued a citation under this section if the person  
22 violates:

23 (i) §§ 10–113 through 10–115 or § 10–118 of this part; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) § 6–321 or § 6–322 of the Alcoholic Beverages and Cannabis  
2 Article.

3 (2) A minor who violates § 10–116 or § 10–117(a) of this part shall be issued  
4 a citation under this section.

5 (b) (1) A citation for a violation of §§ 10–113 through 10–115 or a violation of  
6 § 10–118 of this part or § 6–321 or § 6–322 of the Alcoholic Beverages and Cannabis Article  
7 may be issued by:

8 (i) a police officer authorized to make arrests;

9 (ii) in State forestry reservations, State parks, historic monuments,  
10 and recreation areas, a forest or park warden under § 5–206(a) or (b) of the Natural  
11 Resources Article; and

12 (iii) subject to paragraphs (2) and (3) of this subsection, in Anne  
13 Arundel County, Frederick County, Harford County, Howard County, Kent County,  
14 Montgomery County, Prince George’s County, and Talbot County, and only in the  
15 inspector’s jurisdiction, an alcoholic beverages inspector who investigates license violations  
16 under the Alcoholic Beverages and Cannabis Article.

17 (2) In Anne Arundel County, Frederick County, Harford County, Howard  
18 County, Kent County, Montgomery County, Prince George’s County, and Talbot County,  
19 the inspector shall successfully complete an appropriate program of training in the proper  
20 use of arrest authority and pertinent police procedures as required by the board of license  
21 commissioners.

22 (3) In Anne Arundel County, Harford County, Howard County, Kent  
23 County, Montgomery County, Prince George’s County, and Talbot County, the inspector  
24 may not carry a firearm in the performance of the inspector’s duties.

25 (c) A person authorized under this section to issue a citation shall issue it if the  
26 person has probable cause to believe that the person charged is committing or has  
27 committed a Code violation.

28 (d) (1) Subject to paragraph (2) of this subsection, the form of citation issued  
29 to an adult shall be as prescribed by the District Court and shall be uniform throughout  
30 the State.

31 (2) The citation issued to an adult shall contain:

32 (i) the name and address of the person charged;

33 (ii) the statute allegedly violated;

34 (iii) the location, date, and time that the violation occurred;

1 (iv) the fine that may be imposed;

2 (v) **1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM**, a notice  
3 stating that prepayment of the fine is not allowed; **OR**

4 **2. FOR A VIOLATION OF § 6-321 OR § 6-322 OF THE**  
5 **ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE, A NOTICE STATING THAT**  
6 **PREPAYMENT OF THE FINE IS ALLOWED AND THAT PREPAYMENT IS CONSIDERED A**  
7 **PLEA OF GUILTY TO A CODE VIOLATION;**

8 (vi) a notice that the District Court shall promptly send the person  
9 charged a summons to appear for trial;

10 (vii) the signature of the person issuing the citation; and

11 (viii) a space for the person charged to sign the citation.

12 (3) The form of citation issued to a minor shall:

13 (i) be prescribed by the State Court Administrator;

14 (ii) be uniform throughout the State; and

15 (iii) contain the information listed in § 3-8A-33(b) of the Courts  
16 Article.

17 (e) (1) Except for a citation subject to the jurisdiction of a circuit court, the  
18 issuing jurisdiction shall forward a copy of the citation and a request for trial to the District  
19 Court in the district having venue.

20 (2) (i) **[The] EXCEPT FOR A CITATION ISSUED FOR A VIOLATION OF**  
21 **§ 6-321 OR § 6-322 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE, THE**  
22 District Court shall promptly schedule the case for trial and summon the defendant to  
23 appear.

24 (ii) **[Willful] EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS**  
25 **SECTION, WILLFUL** failure of the defendant to respond to the summons is contempt of  
26 court.

27 (f) (1) For purposes of this section, a violation of §§ 10-113 through 10-115 or  
28 a violation of § 10-118 of this part or § 6-321 or § 6-322 of the Alcoholic Beverages and  
29 Cannabis Article is a Code violation and is a civil offense.

30 (2) A person charged who is under the age of 18 years shall be subject to  
31 the procedures and dispositions provided in Title 3, Subtitle 8A of the Courts Article.

1 (3) A person charged who is at least 18 years old shall be subject to the  
2 provisions of this section.

3 (4) Adjudication of a Code violation is not a criminal conviction for any  
4 purpose, and it does not impose any of the civil disabilities ordinarily imposed by a criminal  
5 conviction.

6 (g) In any proceeding for a Code violation:

7 (1) the State has the burden to prove the guilt of the defendant to the same  
8 extent as is required by law in the trial of criminal causes, and in any such proceeding, the  
9 court shall apply the evidentiary standards as prescribed by law or rule for the trial of  
10 criminal causes;

11 (2) the court shall ensure that the defendant has received a copy of the  
12 charges against the defendant and that the defendant understands those charges;

13 (3) the defendant is entitled to cross-examine all witnesses who appear  
14 against the defendant, to produce evidence or witnesses on behalf of the defendant, or to  
15 testify on the defendant's own behalf, if the defendant chooses to do so;

16 (4) the defendant is entitled to be represented by counsel of the defendant's  
17 choice and at the expense of the defendant;

18 (5) the defendant may enter a plea of guilty or not guilty, and the verdict  
19 of the court in the case shall be:

20 (i) guilty of a Code violation; or

21 (ii) not guilty of a Code violation; and

22 (6) before rendering judgment, the court may place the defendant on  
23 probation in the same manner and to the same extent as is allowed by law in the trial of a  
24 criminal case.

25 (h) (1) This subsection does not apply to a person who commits a Code  
26 violation under § 6-321 or § 6-322 of the Alcoholic Beverages and Cannabis Article.

27 (2) Except as provided in paragraph (3) of this subsection, if the District  
28 Court finds that a person has committed a Code violation, the court shall require the person  
29 to pay:

30 (i) a fine not exceeding \$500; or

31 (ii) if the violation is a subsequent violation, a fine not exceeding  
32 \$1,000.

1 (3) If the District Court finds that a person has committed a Code violation  
2 under § 10–117 of this subtitle, the court shall require the person to pay:

3 (i) a fine not exceeding \$2,500; or

4 (ii) if the violation is a subsequent violation, a fine not exceeding  
5 \$5,000.

6 (4) The Chief Judge of the District Court may not establish a schedule for  
7 the prepayment of fines for a Code violation under this part.

8 (i) **(1) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED**  
9 **A CODE VIOLATION UNDER § 6–321 OR § 6–322 OF THE ALCOHOLIC BEVERAGES AND**  
10 **CANNABIS ARTICLE, THE COURT MAY REQUIRE THE PERSON TO PAY A FINE NOT**  
11 **EXCEEDING \$100.**

12 **(2) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A**  
13 **SCHEDULE FOR THE PREPAYMENT OF FINES FOR A CODE VIOLATION UNDER § 6–321**  
14 **OR § 6–322 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE.**

15 **(3) PREPAYMENT OF A FINE UNDER THIS SUBSECTION SHALL BE**  
16 **CONSIDERED A PLEA OF GUILTY TO A CODE VIOLATION.**

17 **(4) A PERSON ISSUED A CITATION FOR A VIOLATION OF § 6–321 OR §**  
18 **6–322 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE MAY REQUEST A**  
19 **HEARING WITHIN 30 DAYS AFTER THE CITATION’S ISSUANCE.**

20 **(5) IF A PERSON ISSUED A CITATION FOR A VIOLATION OF § 6–321 OR**  
21 **§ 6–322 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE DOES NOT**  
22 **PREPAY THE FINE, DOES NOT REQUEST A HEARING, AND DOES NOT RESPOND TO THE**  
23 **SUMMONS, THE COURT MAY HOLD A HEARING, AND IF THE EVIDENCE SUPPORTS A**  
24 **GUILTY VERDICT, IMPOSE UP TO THE MAXIMUM FINE AND COURT COSTS AGAINST**  
25 **THE PERSON AND FIND THE PERSON GUILTY OF A CODE VIOLATION.**

26 **(J)** When a defendant has been found guilty of a Code violation and a fine has  
27 been imposed by the court:

28 (1) the court may direct that the payment of the fine be suspended or  
29 deferred under conditions that the court may establish; and

30 (2) if the defendant willfully fails to pay the fine imposed by the court, that  
31 willful failure may be treated as a criminal contempt of court, for which the defendant may  
32 be punished by the court as provided by law.

1            ~~[(j)]~~ **(K)**        (1)     The defendant is liable for the costs of the proceedings in the  
2 District Court and for payment to the Criminal Injuries Compensation Fund.

3                            (2)     The court costs in a Code violation case in which costs are imposed are  
4 \$5.

5            ~~[(k)]~~ **(L)**        (1)     In this subsection, “driver’s license” means a license or permit to  
6 drive a motor vehicle that is issued under the laws of this State or any other jurisdiction.

7                            (2)     This subsection applies only to:

8    (i)     a person who is at least 18 but under 21 years of age; or

9    (ii)    a minor if the minor is subject to the jurisdiction of the court.

10                            (3)     If a person is found guilty of a Code violation under § 10–113 of this  
11 part that involved the use of a driver’s license or a document purporting to be a driver’s  
12 license, the court shall notify the Motor Vehicle Administration of the violation.

13                            (4)     The Chief Judge of the District Court, in conjunction with the Motor  
14 Vehicle Administrator, shall establish uniform procedures for reporting Code violations  
15 described in this subsection.

16            ~~[(l)]~~ **(M)**        (1)     A defendant who has been found guilty of a Code violation has  
17 the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment  
18 provided by law in the trial of a criminal case.

19                            (2)     A motion shall be made in the same manner as provided in the trial of  
20 criminal cases, and the court, in ruling on the motion has the same authority provided in  
21 the trial of criminal cases.

22            ~~[(m)]~~ **(N)**        (1)     The State’s Attorney for any county may prosecute a Code  
23 violation in the same manner as prosecution of a violation of the criminal laws of this State.

24                            (2)     In a Code violation case the State’s Attorney may:

25    (i)     enter a nolle prosequi in or place the case on the stet docket; and

26    (ii)    exercise authority in the same manner as prescribed by law for  
27 violation of the criminal laws of this State.

28            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2026.