

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1441
Judiciary

(Delegate Embry)

Criminal Law - Public Consumption and Open Container - Prepayment of Citation

This bill authorizes an adult individual issued a citation to prepay a fine for violations of § 6-321 (consumption of alcoholic beverages in public) or § 6-322 (possession of an open container) of the Alcoholic Beverages and Cannabis Article. Prepayment of a fine must be considered a guilty plea to the violation. The Chief Judge of the District Court must establish a schedule for the prepayment of fines. A person issued a citation may request a hearing within 30 days after the citation’s issuance, and the District Court may require a person found to have committed a violation of §§ 6-321 or 6-322 to pay a fine of up to \$100. If a person issued a citation does not prepay the fine, does not request a hearing, and does not respond to the summons, the court may hold a hearing. If the evidence supports a guilty verdict, the court may find the person guilty of a Code violation and impose up to the maximum fine and court costs against the person.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by approximately \$24,100 in FY 2027 only to revise and reprint citations. Otherwise, the bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Section 6-321 of the Alcoholic Beverages and Cannabis Article – Consumption of Alcoholic Beverages in Public

In general, an individual may not consume an alcoholic beverage (1) on public property; (2) on the mall, adjacent parking area, or other outside area of a shopping center; (3) on an adjacent parking area or other outside area of any other retail establishment; and (4) in a parked vehicle located in one of these locations. However, an individual may consume an alcoholic beverage in these locations if authorized, as specified. If the owner or operator of a motor home or chartered bus has consented to the consumption of alcoholic beverages, the restrictions do not apply to passengers in the living quarters of a motor home equipped with a toilet and central heating, or of a chartered bus in transit.

A violation is a Code violation and a civil offense. Violators must be issued a citation and are subject to a fine of up to \$100.

Section 6-322 of the Alcoholic Beverages and Cannabis Article – Possession of an Open Container

An individual may not possess an alcoholic beverage in an open container while (1) on the mall, adjacent parking area, or other outside area of a shopping center; (2) on an adjacent parking area or other outside area of any other retail establishment; or (3) in a parked vehicle located in one of these areas. An individual may possess an alcoholic beverage in an open container on private property if the individual is authorized by the owner of the establishment.

A violation is a Code violation and a civil offense. Violators must be issued a citation and are subject to a fine of up to \$100.

Citations and Proceedings

In general, a person must be issued a citation for a violation of § 10-113 (misrepresentation of age to obtain alcohol), § 10-114 (underage possession of an alcoholic beverage), § 10-115 (possession of false documentation to obtain an alcoholic beverage) of the Criminal Law Article or § 6-321 (consumption of alcoholic beverages in public) or § 6-322 (possession of an open container) of the Alcoholic Beverages and Cannabis Article. Statute authorizes certain individuals to issue a citation for these violations. A person authorized to issue a citation must issue it if the person has probable cause to believe that the person charged is committing or has committed a Code violation. The citation issued to an adult

must contain, among other things, specified information regarding the violation, a notice stating that prepayment of the fine is not allowed, and a notice that the District Court must promptly send the person charged a summons to appear for trial.

Except for a citation subject to the jurisdiction of a circuit court, the issuing jurisdiction must forward a copy of the citation and a request for trial to the District Court in the district having venue. The District Court must promptly schedule the case for trial and summon the defendant to appear. Willful failure of the defendant to respond to the summons is contempt of court. Statute specifies certain procedures for proceedings of alleged violations.

When a defendant has been found guilty of a Code violation and a fine has been imposed by the court, the court may direct that the payment of the fine be suspended or deferred under conditions the court may establish and, if the defendant willfully fails to pay the fine imposed by the court, that willful failure may be treated as a criminal contempt of court, for which the defendant may be punished by the court as provided by law. A defendant who has been found guilty of a Code violation has the right to appeal or to file a motion for a new trial or a motion for a revision of a judgment provided by law in the trial of a criminal case.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, Dorchester, and Garrett counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Juvenile Services; Department of Legislative Services

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