

HOUSE BILL 964

A1

4lr2146

By: **Delegates Niemann, Barnes, Gaines, and A. Washington**

Introduced and read first time: February 6, 2014

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Unlawful Drinking or Possessing an Open Container –**
3 **Failure to Appear in Court**

4 FOR the purpose of clarifying that a person who is charged with a certain
5 misdemeanor involving unlawful drinking or possessing an open container of an
6 alcoholic beverage and who does not appear in court is subject to a certain
7 penalty; and generally relating to misdemeanors involving alcoholic beverages.

8 BY repealing and reenacting, without amendments,
9 Article 2B – Alcoholic Beverages
10 Section 19–201 through 19–203 and 19–301
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article 2B – Alcoholic Beverages
15 Section 19–204 and 19–302
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Criminal Procedure
20 Section 5–212
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2013 Supplement)

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

25 **Article 2B – Alcoholic Beverages**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 19–201.

2 (a) In this subtitle, “public property” includes any building, ground, park,
3 street, highway, alley, sidewalk, station, terminal or other structure, road or parking
4 area located on land owned, leased, or operated by this State, a county, a municipality,
5 Washington Suburban Sanitary Commission, Maryland–National Capital Park and
6 Planning Commission, Montgomery County Revenue Authority, or Washington
7 Metropolitan Area Transit Authority.

8 (b) This subtitle does not apply in Kent County and Queen Anne’s County.

9 19–202.

10 (a) A person may not drink any alcoholic beverage, as defined in this article,
11 while:

12 (1) On public property, unless authorized by a governmental entity
13 that has jurisdiction over the property;

14 (2) On the mall, adjacent parking area, or other outside area of any
15 combination of privately owned retail establishments, like a shopping center, where
16 the general public is invited for business purposes, unless authorized by the owner of
17 the shopping center;

18 (3) On an adjacent parking area or other outside area of any other
19 retail establishment, unless authorized by the owner of the establishment; or

20 (4) In any parked vehicle located on any of the places enumerated in
21 this subsection, unless authorized.

22 (b) Subsection (a) of this section does not apply to the consumption of
23 alcoholic beverages by passengers in the living quarters of a motor home equipped
24 with a toilet and central heating or the passengers of a chartered bus in transit if the
25 owner or operator has consented to the consumption of the beverages.

26 19–203.

27 As to public property, any local governmental entity that owns or otherwise has
28 jurisdiction over the property may adopt by local law or ordinance, as appropriate,
29 standards providing for the authorization of the consumption of alcoholic beverages,
30 otherwise prohibited by this subtitle, and consistent with the intended use of the
31 property by the general public.

32 19–204.

1 (a) Subject to subsection (b) of this section, a person who violates this
2 subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
3 \$100.

4 (b) [In Prince George's County, a] **A person who is charged with a**
5 **misdemeanor under this section [shall comply with the command in the charging**
6 **document to appear in court by appearing in court in person] AND FAILS TO APPEAR**
7 **IN COURT IS SUBJECT TO THE PENALTY IMPOSED UNDER § 5-212(C) OF THE**
8 **CRIMINAL PROCEDURE ARTICLE.**

9 19-301.

10 (a) (1) This definition applies only in the following jurisdictions:

- 11 (i) Caroline County;
- 12 (ii) Carroll County;
- 13 (iii) Dorchester County;
- 14 (iv) Harford County;
- 15 (v) Montgomery County;
- 16 (vi) Prince George's County; and
- 17 (vii) Wicomico County.

18 (2) In this section, "unless authorized" means the possession and
19 presentation of a written consent by the owner of the property.

20 (b) A person may not possess in an open container any alcoholic beverage, as
21 defined in this article, while:

22 (1) On the mall, adjacent parking area, or other outside area of any
23 combination of privately owned retail establishments, commonly known as a shopping
24 center, to which the general public is invited for business purposes, unless authorized
25 by the owner of the establishment;

26 (2) On an adjacent parking area or other outside area of any other
27 retail establishment, unless authorized by the owner of the establishment; or

28 (3) In any parked vehicle located on any of the places enumerated in
29 this section, unless authorized.

30 19-302.

1 (a) Subject to subsection (b) of this section, a person who violates this
2 subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
3 \$100.

4 (b) [In Prince George's County, a] **A person who is charged with a**
5 **misdemeanor under this section [shall comply with the command in the charging**
6 **document to appear in court by appearing in court in person] AND FAILS TO APPEAR**
7 **IN COURT IS SUBJECT TO THE PENALTY IMPOSED UNDER § 5-212(C) OF THE**
8 **CRIMINAL PROCEDURE ARTICLE.**

9 **Article – Criminal Procedure**

10 5-212.

11 (a) This section does not apply to a citation:

12 (1) for a violation of a parking ordinance or regulation adopted under
13 Title 26, Subtitle 3 of the Transportation Article;

14 (2) adopted by the Chief Judge of the District Court under § 1-605(d)
15 of the Courts Article, for use in traffic offenses; or

16 (3) issued by a Natural Resources police officer under § 1-205 of the
17 Natural Resources Article.

18 (b) A bench warrant may be issued for the arrest of a defendant who fails to
19 appear in court in response to a citation.

20 (c) A person who fails to appear in court in response to a citation is guilty of
21 a misdemeanor and on conviction is subject to a fine not exceeding \$500 or
22 imprisonment not exceeding 90 days or both.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2014.