

# HOUSE BILL 1015

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By: **Delegates Fraser–Hidalgo, Dumais, and A. Miller**

Introduced and read first time: February 8, 2017

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Allowing Underage Drinker at Residence to Possess or Consume**  
3 **Alcohol – Penalties**

4 FOR the purpose of altering the penalty for certain violations of the prohibition against an  
5 adult knowingly and willfully allowing an individual under a certain age to possess  
6 or consume an alcoholic beverage at a certain residence or within the curtilage of a  
7 certain residence; repealing a prohibition against and certain penalties for  
8 furnishing alcohol or allowing an individual under a certain age to possess or  
9 consume alcohol if the violation involves certain circumstances; and generally  
10 relating to underage consumption of alcohol.

11 BY repealing and reenacting, without amendments,  
12 Article – Criminal Law  
13 Section 10–116  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Criminal Law  
18 Section 10–117 and 10–121  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2016 Supplement)

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

23 **Article – Criminal Law**

24 10–116.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 An individual may not obtain, or attempt to obtain by purchase or otherwise, an  
2 alcoholic beverage from any person licensed to sell alcoholic beverages for consumption by  
3 another who the individual obtaining or attempting to obtain the beverage knows is under  
4 the age of 21 years.

5 10–117.

6 (a) Except as provided in subsection (c) of this section, a person may not furnish  
7 an alcoholic beverage to an individual if:

8 (1) the person furnishing the alcoholic beverage knows that the individual  
9 is under the age of 21 years; and

10 (2) the alcoholic beverage is furnished for the purpose of consumption by  
11 the individual under the age of 21 years.

12 (b) Except as provided in subsection (c) of this section, an adult may not  
13 knowingly and willfully allow an individual under the age of 21 years actually to possess  
14 or consume an alcoholic beverage at a residence, or within the curtilage of a residence that  
15 the adult owns or leases and in which the adult resides.

16 (c) (1) The prohibition set forth in subsection (a) of this section does not apply  
17 if the person furnishing the alcoholic beverage and the individual to whom the alcoholic  
18 beverage is furnished:

19 (i) are members of the same immediate family, and the alcoholic  
20 beverage is furnished and consumed in a private residence or within the curtilage of the  
21 residence; or

22 (ii) are participants in a religious ceremony.

23 (2) The prohibition set forth in subsection (b) of this section does not apply  
24 if the adult allowing the possession or consumption of the alcoholic beverage and the  
25 individual under the age of 21 years who possesses or consumes the alcoholic beverage:

26 (i) are members of the same immediate family, and the alcoholic  
27 beverage is possessed and consumed in a private residence, or within the curtilage of the  
28 residence, of the adult; or

29 (ii) are participants in a religious ceremony.

30 [(d) A person may not violate subsection (a) or (b) of this section if the violation  
31 involves an individual under the age of 21 years who:

32 (1) the person knew or reasonably should have known would operate a  
33 motor vehicle after consuming the alcoholic beverage; and

1 (2) as a result of operating a motor vehicle while under the influence of  
2 alcohol or while impaired by alcohol, causes serious physical injury or death to the  
3 individual or another.]

4 10–121.

5 (a) This section does not apply to a person who:

6 (1) was acting in the capacity of a licensee, or an employee of a licensee,  
7 under the Alcoholic Beverages Article; and

8 (2) has committed a violation of and is subject to the penalties under §  
9 6–304, § 6–307, § 6–308, or § 6–309 of the Alcoholic Beverages Article.

10 (b) (1) Except as provided in subsection (c) of this section, an adult who  
11 violates § 10–116 or [§ 10–117] **§ 10–117(A)** of this subtitle is guilty of a misdemeanor and  
12 on conviction is subject to:

13 [(1)] (I) a fine not exceeding \$2,500 for a first offense; or

14 [(2)] (II) a fine not exceeding \$5,000 for a second or subsequent offense.

15 (2) **AN ADULT WHO VIOLATES § 10–117(B) OF THIS SUBTITLE IS**  
16 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

17 (I) **FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 1**  
18 **YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; OR**

19 (II) **FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT**  
20 **NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$7,500 OR BOTH.**

21 [(c) An adult who violates § 10–117(d) of this subtitle is guilty of a misdemeanor  
22 and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding  
23 \$5,000 or both.]

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2017.