

SENATE BILL 837

A2

(71r3096)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Economic Matters —

Introduced by **Washington County Senators**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Penalties**

3 FOR the purpose of ~~authorizing the Washington County Board of License Commissioners~~
4 ~~to impose on a license holder or an employee of a license holder a certain fine for a~~
5 ~~first offense for selling or providing alcoholic beverages to an individual under the~~
6 ~~age of 21 years; specifying certain criminal procedures for a subsequent offense for a~~
7 ~~license holder or an employee of a license holder who sells or provides alcoholic~~
8 ~~beverages to an individual under the age of 21 years; providing that for each~~
9 ~~subsequent offense, a license holder or an employee of the license holder who violates~~
10 ~~a certain provision of law is guilty of a misdemeanor and is subject to a certain fine;~~
11 providing that in Washington County a violation of the prohibition against selling or
12 providing alcoholic beverages to an individual under the age of 21 years is a
13 misdemeanor; authorizing the Board of License Commissioners to impose certain
14 penalties on an employee of a license holder or a license holder who violates the

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.

Italics indicate opposite chamber/conference committee amendments.



1 prohibition; authorizing the Board to suspend or revoke a license under certain
 2 conditions; and generally relating to alcoholic beverages in Washington County.

3 BY repealing and reenacting, without amendments,

4 Article – Alcoholic Beverages

5 Section 31–102

6 Annotated Code of Maryland

7 (2016 Volume and 2016 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article – Alcoholic Beverages

10 Section 31–2702

11 Annotated Code of Maryland

12 (2016 Volume and 2016 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Alcoholic Beverages**

16 31–102.

17 This title applies only in Washington County.

18 31–2702.

19 ~~(A) FOR A FIRST OFFENSE, IF A LICENSE HOLDER OR AN EMPLOYEE OF A~~
 20 ~~LICENSE HOLDER VIOLATES § 6–304 OF THIS ARTICLE, THE BOARD MAY IMPOSE ON~~
 21 ~~THE LICENSE HOLDER OR THE EMPLOYEE OF THE LICENSE HOLDER A FINE NOT~~
 22 ~~EXCEEDING \$200.~~

23 ~~[(a)] (B) [A] FOR EACH SUBSEQUENT OFFENSE, A~~ license holder or an
 24 employee of a license holder who is charged with a violation of § 6–304 of this article:

25 (1) shall receive a summons to appear in court on a certain day to answer
 26 the charges placed against the license holder or employee; and

27 (2) may not be required to post bail pending trial in any court in the State.

28 ~~[(b)] (C)~~ A license holder or an employee of a license holder may not be found
 29 guilty of a violation of § 6–304 of this article if:

30 (1) the license holder or employee establishes to the satisfaction of the
 31 finder of fact that the license holder or employee used due caution to establish that the
 32 individual was not under the age of 21 years; and

1 (2) the individual was not a resident of the State.

2 ~~[(c)] (D) [If an employee of a license holder violates § 6-304 of this article, the~~
 3 ~~Board may impose on the employee a fine not exceeding \$200] FOR EACH SUBSEQUENT~~
 4 ~~OFFENSE, A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO~~
 5 ~~VIOLATES § 6-304 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON~~
 6 ~~CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.~~

7 (C) (1) A VIOLATION OF § 6-304 OF THIS ARTICLE IS A MISDEMEANOR.

8 (2) IF AN EMPLOYEE OF A LICENSE HOLDER VIOLATES § 6-304 OF
 9 THIS ARTICLE, THE BOARD MAY IMPOSE ON THE EMPLOYEE A FINE NOT EXCEEDING:

10 (I) FOR A FIRST OFFENSE, \$200; AND

11 (II) FOR EACH SUBSEQUENT OFFENSE, \$500.

12 (3) IF A LICENSE HOLDER VIOLATES § 6-304 OF THIS ARTICLE, THE
 13 BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500, SUSPEND OR REVOKE THE
 14 LICENSE, OR IMPOSE BOTH A FINE AND SUSPEND OR REVOKE THE LICENSE.

15 ~~[(d)] (E)~~ The granting of probation before judgment to a license holder or an
 16 employee of the license holder for a violation of § 6-304 of this article does not bar the Board
 17 from proceeding administratively against the license holder for the violation.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 19 1, 2017.

Approved:

 Governor.

 President of the Senate.

 Speaker of the House of Delegates.