

Chapter 431

(House Bill 1480)

AN ACT concerning

Washington County – Alcoholic Beverages – Penalties

FOR the purpose of providing that ~~for a first offense for selling or providing alcoholic beverages to an individual under the age of 21 years, a license holder or an employee of the license holder is guilty of a misdemeanor and is subject to a certain fine; providing that for each subsequent offense, a license holder or an employee of the license holder who violates a certain provision of law is guilty of a misdemeanor and is subject to a certain fine;~~ in Washington County a violation of the prohibition against selling or providing alcoholic beverages to an individual under the age of 21 years is a misdemeanor; authorizing the Board of License Commissioners to impose certain penalties on an employee of a license holder or a license holder who violates the prohibition; authorizing the Board to suspend or revoke a license under certain conditions; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 31–102
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 31–2702
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

31–102.

This title applies only in Washington County.

31–2702.

~~(A) FOR A FIRST OFFENSE, A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO VIOLATES § 6-304 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$200.~~

~~[(a)] (B)~~ A license holder or an employee of a license holder who is charged with a violation of § 6-304 of this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 4, 2017.