

HOUSE BILL 409

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6lr1286
CF 6lr2051

By: **Delegates Fraser–Hidalgo, Dumais, A. Miller, Anderson, Barkley, Barve, Beidle, Carr, Cullison, Folden, Gilchrist, Gutierrez, Hill, Hixson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, McCray, Moon, Morales, Platt, Reznik, S. Robinson, Smith, Valentino–Smith, Waldstreicher, C. Wilson, and Zucker**

Introduced and read first time: January 29, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Providing Alcohol to Underage Drinkers – Penalties**
3 **(Alex and Calvin’s Law)**

4 FOR the purpose of increasing penalties for certain violations of prohibitions relating to
5 obtaining or furnishing alcoholic beverages for individuals under a certain age or
6 allowing an individual under a certain age to possess or consume alcoholic beverages
7 under certain circumstances; and generally relating to underage consumption of
8 alcohol.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Law
11 Section 10–116 and 10–117
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 10–121
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2015 Supplement)

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

21 **Article – Criminal Law**

22 10–116.

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 10–121.

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

1 (1) was acting in the capacity of a licensee, or an employee of a licensee,
2 under Article 2B of the Code; and

3 (2) has committed a violation of and is subject to the penalties under
4 Article 2B, § 12–108 of the Code.

5 (b) An adult who violates § 10–116 or § 10–117 of this subtitle is guilty of a
6 misdemeanor and on conviction is subject to:

7 (1) [a fine not exceeding \$2,500] for a first offense, **IMPRISONMENT NOT**
8 **EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH; or**

9 (2) [a fine not exceeding \$5,000] for a second or subsequent offense,
10 **IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$7,500 OR**
11 **BOTH.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2016.