

HOUSE BILL 654

E1, E2

0lr2557
CF SB 209

By: **Delegate Bartlett**

Introduced and read first time: January 29, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Unruly Social Gatherings – Civil Penalties**

3 FOR the purpose of prohibiting a person responsible for a premises from conducting,
4 causing, permitting, or aiding an unruly social gathering; authorizing certain law
5 enforcement officers to issue a citation for certain violations of this Act; specifying
6 who may be issued a citation for certain violations; requiring a citation to include
7 certain information; authorizing a person issued a citation to stand trial if certain
8 notice is filed with the District Court at a certain time; requiring a District Court to
9 schedule certain cases for trial and notify certain defendants; requiring the District
10 Court to remit certain penalties collected for a violation of this Act to the county in
11 which the violation occurred; requiring citations to be sent to certain individuals;
12 authorizing a State’s Attorney for any county to prosecute a violation of this Act in a
13 certain manner; providing certain penalties for a violation of this Act; authorizing
14 the District Court to order a person to serve a certain number of hours of community
15 service; providing that this Act may not be construed to preempt or prevail over any
16 ordinance, resolution, law, or rule more stringent than this Act; defining certain
17 terms; and generally relating to unruly social gatherings.

18 BY adding to

19 Article – Criminal Law

20 Section 10–801 through 10–805 to be under the new subtitle “Subtitle 8. Unruly
21 Social Gatherings”

22 Annotated Code of Maryland

23 (2012 Replacement Volume and 2019 Supplement)

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

26 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SUBTITLE 8. UNRULY SOCIAL GATHERINGS.

10-801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "ALCOHOLIC BEVERAGE" HAS THE MEANING STATED IN § 1-101 OF THE ALCOHOLIC BEVERAGES ARTICLE.

(2) "ALCOHOLIC BEVERAGE" INCLUDES ANY MIXTURE OF AN ALCOHOLIC BEVERAGE WITH A NONALCOHOLIC BEVERAGE.

(C) (1) "CONTROLLED DRUG" MEANS A CONTROLLED DANGEROUS SUBSTANCE INCLUDED IN SCHEDULE I, SCHEDULE II, SCHEDULE III, SCHEDULE IV, OR SCHEDULE V UNDER TITLE 5, SUBTITLE 4 OF THIS ARTICLE.

(2) "CONTROLLED DRUG" DOES NOT INCLUDE A PRESCRIPTION DRUG FOR WHICH A PERSON HAS A VALID PRESCRIPTION FROM AN AUTHORIZED PROVIDER.

(D) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101 OF THE PUBLIC SAFETY ARTICLE.

(E) "OCCUPANT" MEANS ANY PERSON OCCUPYING A PREMISES, WHETHER OR NOT A PARTY TO A LEASE.

(F) "OPERATOR" MEANS ANY PERSON THAT HAS CHARGE, CARE, OR CONTROL OF ALL OR ANY PART OF A PREMISES, INCLUDING ANY PERSON ARRANGING OR CONDUCTING A GATHERING ON THE PREMISES.

(G) (1) "OWNER" MEANS:

(I) THE PERSON IN WHOSE NAME A PREMISES IS RECORDED IN THE LAND RECORDS OF THE RELEVANT COUNTY OR BALTIMORE CITY; OR

(II) ANY OTHER PERSON WITH A LEGAL OR EQUITABLE INTEREST IN A PREMISES, INCLUDING A TENANT.

(2) "OWNER" INCLUDES A PERSON THAT HAS AN INTEREST AS A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

1 **(3) “OWNER” DOES NOT INCLUDE THE HOLDER OF A TAX SALE**
2 **CERTIFICATE UNTIL A JUDGMENT FORECLOSING ALL RIGHTS OF REDEMPTION HAS**
3 **BEEN ENTERED.**

4 **(H) “PARENT” MEANS ANY NATURAL PARENT, ADOPTIVE PARENT,**
5 **STEPPARENT, OR FOSTER PARENT.**

6 **(I) “PERSON RESPONSIBLE” MEANS THE OWNER, OPERATOR, TENANT, OR**
7 **OCCUPANT OF OR THE HOLDER OF ANY POSSESSORY INTEREST IN THOSE PREMISES,**
8 **WHETHER ALONE OR JOINTLY WITH ANY OTHER PERSON.**

9 **(J) “PREMISES” MEANS ALL OR ANY PART OF ANY PRIVATELY OWNED**
10 **RESIDENCE, BUILDING, OR OTHER STRUCTURE, INCLUDING THE CURTILAGE OF A**
11 **PRIVATELY OWNED RESIDENCE THAT CONTAINS FEWER THAN SEVEN DWELLING**
12 **UNITS.**

13 **(K) “TENANT” MEANS ANY TENANT OR LESSEE, WHETHER UNDER A**
14 **WRITTEN OR ORAL LEASE.**

15 **(L) “UNDERAGE PERSON” MEANS ANY INDIVIDUAL WHO IS UNDER THE AGE**
16 **OF 21 YEARS.**

17 **(M) “UNRULY SOCIAL GATHERING” MEANS A PARTY OR GATHERING OF**
18 **THREE OR MORE INDIVIDUALS ON OR IN ANY PREMISES AT WHICH:**

19 **(1) ALCOHOLIC BEVERAGES ARE CONSUMED BY, FURNISHED TO, OR**
20 **POSSESSED BY ANY UNDERAGE PERSON IN VIOLATION OF § 10–114 OF THIS TITLE;**
21 **OR**

22 **(2) THE CONDUCT CREATES A DISTURBANCE OF THE PEACEFUL**
23 **ENJOYMENT BY OTHERS OF PRIVATE OR PUBLIC PROPERTY, INCLUDING:**

24 **(I) NOISE IN EXCESS OF ANY NOISE CONTROL ORDINANCE,**
25 **RULE, OR REGULATION ADOPTED IN ACCORDANCE WITH § 3–105 OF THE**
26 **ENVIRONMENT ARTICLE OR BY A POLITICAL SUBDIVISION HAVING AUTHORITY**
27 **OVER THE PREMISES;**

28 **(II) OBSTRUCTION OF PUBLIC RIGHTS–OF–WAY;**

29 **(III) THE PRESENCE OF UNRULY CROWDS;**

30 **(IV) THE USE OF A CONTROLLED DRUG BY ANY PERSON AT THE**
31 **GATHERING;**

(V) OBNOXIOUS ODORS, INCLUDING ODORS FROM MARIJUANA;

(VI) PUBLIC DRUNKENNESS;

(VII) ASSAULT, BATTERY, OR OTHER DISORDERLY CONDUCT
THAT DISTURBS THE PUBLIC PEACE;

(VIII) VANDALISM OF PUBLIC OR PRIVATE PROPERTY;

(IX) LITTERING; OR

(X) ANY OTHER CONDUCT THAT CONSTITUTES A THREAT TO
THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.

10-802.

NOTHING IN THIS SUBTITLE PROHIBITS A LAW ENFORCEMENT OFFICER FROM
ISSUING A CRIMINAL CITATION OR OTHER CIVIL CITATION UNDER STATE OR LOCAL
LAW FOR VIOLATIONS ARISING OUT OF THE SAME CIRCUMSTANCES AS A VIOLATION
OF THIS SUBTITLE.

10-803.

(A) A PERSON RESPONSIBLE FOR A PREMISES MAY NOT CONDUCT, CAUSE,
PERMIT, OR AID IN THE MAINTAINING OF ANY UNRULY SOCIAL GATHERING ON OR IN
THOSE PREMISES.

(B) EXCEPT AS PROVIDED IN § 10-804(B) OF THIS SUBTITLE, A PERSON
RESPONSIBLE FOR A PREMISES WHERE A VIOLATION OF THIS SUBTITLE OCCURRED
REMAINS LIABLE FOR A VIOLATION OF THIS SECTION EVEN IF THAT PERSON WAS
NOT PRESENT DURING THE NUISANCE ACTIVITY OR THE SOCIAL EVENT.

(C) AN OWNER OR OPERATOR OF THE PREMISES REMAINS LIABLE FOR A
VIOLATION OF THIS SUBTITLE REGARDLESS OF ANY CONTRACT OR AGREEMENT
WITH ANY THIRD PARTY REGARDING THE PREMISES.

(D) IF THE PERSON RESPONSIBLE FOR THE PREMISES ON OR IN WHICH AN
UNRULY SOCIAL GATHERING OCCURS IS A MINOR, THE MINOR AND THE PARENTS OR
LEGAL GUARDIANS OF THE MINOR ARE JOINTLY AND SEVERALLY LIABLE FOR THE
PENALTIES IMPOSED BY THIS SUBTITLE.

10-804.

1 **(A) A LAW ENFORCEMENT OFFICER MAY ISSUE A CITATION UNDER THIS**
2 **SUBTITLE.**

3 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
4 **CITATION MAY BE ISSUED TO EVERY PERSON WHO IS RESPONSIBLE FOR THE**
5 **PREMISES, INCLUDING A LANDLORD AND TENANTS.**

6 **(2) AN OWNER WHO IS NOT THE OCCUPANT OF THE PREMISES MAY**
7 **NOT BE ISSUED A CITATION FOR A FIRST VIOLATION AT THE PREMISES.**

8 **(C) A CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE:**

9 **(1) THE NAME AND ADDRESS OF THE PERSON CHARGED;**

10 **(2) THE NATURE OF THE VIOLATION;**

11 **(3) THE LOCATION AND TIME OF THE VIOLATION;**

12 **(4) THE AMOUNT OF THE CIVIL PENALTY;**

13 **(5) THE MANNER, LOCATION, AND TIME IN WHICH THE CIVIL PENALTY**
14 **MAY BE PAID;**

15 **(6) A NOTICE STATING THE PERSON'S RIGHT TO ELECT TO STAND**
16 **TRIAL FOR THE VIOLATION; AND**

17 **(7) A WARNING THAT FAILURE TO PAY THE CIVIL PENALTY OR TO**
18 **CONTEST LIABILITY IN A TIMELY MANNER IN ACCORDANCE WITH THE CITATION:**

19 **(I) IS AN ADMISSION OF LIABILITY; AND**

20 **(II) MAY RESULT IN ENTRY OF A DEFAULT JUDGMENT THAT MAY**
21 **INCLUDE THE CIVIL PENALTY, COURT COSTS, AND ADMINISTRATIVE EXPENSES.**

22 **(D) A PERSON ISSUED A CITATION UNDER THIS SECTION MAY REQUEST A**
23 **TRIAL FOR THE VIOLATION BY FILING A NOTICE OF INTENTION TO STAND TRIAL**
24 **WITH THE DISTRICT COURT IN THE JURISDICTION WHERE THE CITATION WAS**
25 **ISSUED AT LEAST 5 DAYS BEFORE THE DATE SET IN THE CITATION FOR THE**
26 **PAYMENT OF THE CIVIL PENALTY.**

27 **(E) AFTER RECEIVING A CITATION AND NOTICE UNDER THIS SECTION, THE**
28 **DISTRICT COURT SHALL SCHEDULE THE CITATION FOR TRIAL AND NOTIFY THE**

1 DEFENDANT OF THE TRIAL DATE.

2 (F) THE DISTRICT COURT SHALL REMIT ANY PENALTIES COLLECTED FOR A
3 VIOLATION OF THIS SUBTITLE TO THE COUNTY IN WHICH THE VIOLATION
4 OCCURRED.

5 (G) EACH CITATION ISSUED UNDER THIS SUBTITLE SHALL BE SENT TO THE
6 PERSON LISTED ON THE LAND RECORDS AS THE OWNER OF THE PREMISES.

7 (H) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A
8 VIOLATION OF THIS SUBTITLE IN THE SAME MANNER AS A PROSECUTION OF A
9 VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

10 (2) IN A CASE PROSECUTING A PERSON FOR A VIOLATION OF THIS
11 SUBTITLE, THE STATE'S ATTORNEY MAY:

12 (I) ENTER A NOLLE PROSEQUI OR PLACE THE CASE ON THE
13 STET DOCKET; AND

14 (II) EXERCISE AUTHORITY IN THE SAME MANNER AS
15 PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

16 10-805.

17 (A) (1) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED
18 A VIOLATION OF THIS SUBTITLE, THE COURT SHALL REQUIRE THE PERSON TO PAY:

19 (I) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$500; OR

20 (II) FOR A SECOND OR SUBSEQUENT VIOLATION, A FINE NOT
21 EXCEEDING \$1,000.

22 (2) IF THE DISTRICT COURT FINDS THAT A PERSON HAS VIOLATED
23 THIS SUBTITLE, THE COURT MAY ORDER THE PERSON TO SERVE 20 HOURS OF
24 COMMUNITY SERVICE.

25 (B) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A
26 SCHEDULE FOR THE PREPAYMENT OF FINES FOR A CODE VIOLATION UNDER THIS
27 SUBTITLE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed
29 to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this
30 Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.