

CHAPTER 664
(Senate Bill 109)

AN ACT to repeal subsections (a) and (e) of Section 123 of Article 27 of the Annotated Code of Maryland (1971 Replacement Volume), title "Crimes and Punishments," subtitle "Drunkenness and Disorderly Conduct," and to repeal and re-enact, with amendments, subsection (b) of said Section 123, amending the laws concerning drunkenness and disorderly conduct in order to eliminate provisions that either duplicate or are in conflict with the provisions of Section 201 of Article 2C of the Code, and otherwise clarifying the provisions of said Section 123 of Article 27, AND DELETING THE WARNING PROVISION CONCERNING DRINKING INTOXICATING BEVERAGES AT A SCHOOL ATHLETIC CONTEST.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That subsections (a) and (e) of Section 123 of Article 27 of the Annotated Code of Maryland (1971 Replacement Volume), title "Crimes and Punishments," subtitle "Drunkenness and Disorderly Conduct," be and they are hereby repealed; and that subsection (b) of said Section 123 be and it is hereby repealed and re-enacted, with amendments, all to read as follows:

123.

[(a) No person in the State of Maryland shall be intoxicated and endanger the safety of another person or property and no person in the State of Maryland shall be intoxicated or drink any alcoholic beverage in a public place or in or upon any public conveyance and cause a public disturbance.]

(b) No person shall drink or have in his possession, any intoxicating beverages while in attendance as a spectator or otherwise, at any place where any elementary school, junior high school or high school athletic contest is taking place and cause a public disturbance; provided that any such person [under (a) or (b) hereof] shall first be requested by the law enforcement officer to discontinue his drinking and public disturbance, and that no such person shall be charged with a violation of this section if he promptly discontinues such drinking and public disturbance upon the first such request.

[(e) A person who shall have been convicted or have forfeited collateral under the provisions of subsection (a) or (b) of this section three (3) times in the preceding twelve (12) months shall be deemed an habitual offender and may be committed by the court to an appropriate alcoholism treatment facility for a period of not more than sixty (60) days. The trial magistrates and the judges of the people's courts of the respective counties of this State and the Municipal Court of Baltimore City shall have concurrent jurisdiction of such offense with the circuit court of their respective counties. Any member of a city, town, or county or State Police force may, in lieu of incarcerating an intoxicated person for violation of subsections (a) or (b) of this section, take or send the intoxicated person to his home or to a public or private health facility; provided, that the law enforcement officer may take reasonable measures to ascertain the