

(i) For the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

(2) Any licensee or any employee of the licensee who is charged with a violation of this subsection shall receive a summons to appear in court on a certain day to answer the charges placed against that person. The person charged may not be required to post bail bond pending trial in any court of this State.

(3) (i) A licensee or employee of the licensee violating any of the provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers the penalties provided by § 16-503 of this article.

(ii) A licensee or employee of the licensee who is charged with selling or furnishing any alcoholic beverages to a person under 21 years of age may not be found guilty of a violation of this subsection, if the person establishes to the satisfaction of the jury or the court sitting as a jury that the person used due caution to establish that the person under 21 years of age was not, in fact, a person under 21 years of age if a nonresident of the State.

(iii) If the person is a resident of the State of Maryland, the licensee or employee of the licensee may accept, as proof of a person's age, the display of the person's driver's license or identification card as provided for in the Maryland Vehicle Law.

(iv) Except as otherwise provided in this section, if any licensee or employee of the licensee is found not guilty, or placed on probation without a verdict, of any alleged violation of this subsection, this finding operates as a complete bar to any proceeding by any alcoholic beverage law enforcement or licensing authorities against the licensee on account of the alleged violation.

(E-1) (1) THIS SUBSECTION APPLIES IN THE CITY OF ANNAPOLIS NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION.

~~(2) IF A LICENSEE OR EMPLOYEE OF A LICENSEE IS PLACED ON PROBATION BEFORE JUDGMENT FOR AN ALLEGED VIOLATION OF SUBSECTION (A) OF THIS SECTION, THE PLACEMENT DOES NOT BAR THE ALCOHOLIC BEVERAGE CONTROL BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSEE FOR THE ALLEGED VIOLATION.~~

~~(3) (2) THE CITY COUNCIL MAY PROVIDE BY ORDINANCE THAT A VIOLATION OF SUBSECTION (A)(3)(I) OF THIS SECTION IS A MUNICIPAL INFRACTION.~~

12-202.

(b) (1) It is unlawful for any licensee or other person to sell spirituous, fermented or intoxicating liquor or to sell, give directly or indirectly, dispose of, barter, furnish, hand over or deliver, within the corporate limits of the City of Annapolis, or within 5 miles of the City, any alcoholic beverages other than beer and light wine in any quantity whatever to any person under the age of 21 years for use by the