

FEB 26 1996  
JUDICIARY

HOUSE FILE 2329  
BY MARTIN, THOMSON, and  
LAMBERTI

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act pertaining to alcohol-related regulation; relating to  
2 consumption of alcohol by persons under the age of twenty-one;  
3 removing the restitution limit for operating-while-intoxicated  
4 defendants; requiring schools to report incidents involving  
5 alcohol, tobacco, and controlled substances; permitting law  
6 enforcement agencies to establish roadblocks for enforcement  
7 of operating-while-intoxicated offenses; and providing  
8 penalties.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2329

1 Section 1. Section 123.47, Code Supplement 1995, is  
2 amended to read as follows:

3 123.47 PERSONS UNDER THE AGE OF EIGHTEEN -- PENALTY.

4 A person shall not sell, give, or otherwise supply  
5 alcoholic liquor, wine, or beer to any person knowing or  
6 having reasonable cause to believe that person to be under the  
7 age of eighteen, and a person or persons under the age of  
8 eighteen shall not purchase or attempt to purchase, or  
9 individually or jointly have alcoholic liquor, wine, or beer  
10 in their possession or control; except in the case of liquor,  
11 wine, or beer given or dispensed to a person under the age of  
12 eighteen within a private home and with the knowledge,  
13 presence, and consent of the parent or guardian, for beverage  
14 or medicinal purposes or as administered to the person by  
15 either a physician or dentist for medicinal purposes and  
16 except to the extent that a person under the age of eighteen  
17 may handle alcoholic beverages, wine, and beer during the  
18 regular course of the person's employment by a liquor control  
19 licensee, or wine or beer permittee under this chapter. A  
20 person, other than a licensee or permittee, who violates this  
21 section regarding the purchase of or attempt to purchase  
22 alcoholic liquor, wine, or beer shall pay a twenty-five  
23 seventy-five dollar penalty.

24 Sec. 2. Section 123.47A, subsection 1, Code 1995, is  
25 amended to read as follows:

26 1. A person shall not sell, give, or otherwise supply  
27 alcoholic liquor, wine, or beer to any person knowing or  
28 having reasonable cause to believe that the person is age  
29 eighteen, nineteen, or twenty. A person age eighteen,  
30 nineteen, or twenty shall not purchase or possess alcoholic  
31 liquor, wine, or beer. However, a person age eighteen,  
32 nineteen, or twenty may possess alcoholic liquor, wine, or  
33 beer given to the person within a private home with the  
34 knowledge, presence, and consent of the person's parent or  
35 guardian, ~~or-with-the-signed,-written-consent-of-the-parent-or~~

1 ~~guardian-specifying-the-date-and-place-for-the-consumption-and~~  
2 ~~displayed-by-the-person-upon-demand,~~ and a person age  
3 eighteen, nineteen, or twenty may handle alcoholic liquor,  
4 wine, and beer during the course of the person's employment by  
5 a liquor control licensee, or wine or beer permittee. A  
6 person, other than a licensee or permittee, who commits a  
7 first offense under this section commits a scheduled violation  
8 of section 805.8, subsection 10. A person, other than a  
9 licensee or permittee, who commits a second or subsequent  
10 violation of this section, commits a simple misdemeanor. A  
11 licensee or permittee who violates this section with respect  
12 to a person who is age nineteen or twenty is guilty of a  
13 simple misdemeanor punishable by a fine of not more than fifty  
14 one hundred dollars. The penalty provided under this section  
15 against a licensee or permittee who violates this section with  
16 respect to a person who is age nineteen or twenty is the only  
17 penalty which shall be imposed against a licensee or permittee  
18 who violates this section. A licensee or permittee who  
19 violates this section with respect to a person who is age  
20 eighteen commits a simple misdemeanor, and is subject to the  
21 criminal and civil penalties provided pursuant to sections  
22 123.49 and 123.50 with respect to selling, giving, or  
23 otherwise supplying alcoholic beverages, liquor, wine, or beer  
24 to persons under legal age.

25 Sec. 3. Section 279.9, Code 1995, is amended to read as  
26 follows:

27 279.9 USE OF TOBACCO, ALCOHOLIC BEVERAGES, OR CONTROLLED  
28 SUBSTANCES.

29 1. The rules shall prohibit the use of tobacco and the use  
30 or possession of alcoholic liquor, wine, or beer or any  
31 controlled substance as defined in section 124.101, subsection  
32 5, by any student of the schools and the board may suspend or  
33 expel a student for a violation of a rule under this section.

34 2. The school shall report to law enforcement officials  
35 all violations, in or on school premises, of school rules

1 adopted pursuant to subsection 1, or of any state law  
2 pertaining to the use or possession of tobacco, alcoholic  
3 liquor, wine, or beer, or of any controlled substance.

4 Sec. 4. Section 321J.2, subsection 8, Code 1995, is  
5 amended to read as follows:

6 8. The court shall order a defendant convicted of or  
7 receiving a deferred judgment for a violation of this section  
8 to make restitution, ~~in an amount not to exceed two thousand~~  
9 ~~dollars,~~ pursuant to chapter 910 for damages resulting  
10 directly from the violation. An amount paid pursuant to this  
11 restitution order shall be credited toward any adverse  
12 judgment in a subsequent civil proceeding arising from the  
13 same occurrence. However, other than establishing a credit, a  
14 restitution proceeding pursuant to this section shall not be  
15 given evidentiary or preclusive effect in a subsequent civil  
16 proceeding arising from the same occurrence.

17 Sec. 5. Section 321K.1, subsection 1, Code 1995, is  
18 amended by adding the following new paragraph:

19 NEW PARAGRAPH. e. The provisions of chapter 321J.

20 Sec. 6. Section 805.8, subsection 10, paragraph a, Code  
21 Supplement 1995, is amended to read as follows:

22 a. For violations of section 123.47A, which constitute  
23 first offenses as provided in that section, the scheduled fine  
24 is fifteen seventy-five dollars.

25 EXPLANATION

26 Sections 1 and 2 of this bill amend provisions pertaining  
27 to penalties for providing alcohol to underage drinkers.  
28 Section 1 increases the penalty for persons other than a  
29 liquor licensee or permittee who provide alcohol to persons  
30 under the age of 18 from \$25 to \$75. Section 2 changes the  
31 penalty for licensees or permittees who provide alcohol to  
32 persons aged 19 or 20 from \$50 to \$100. Section 6 of the bill  
33 changes the scheduled fine for the first offense of provision  
34 of alcohol by a person other than a licensee or permittee to  
35 persons aged 18, 19, or 20 from \$15 to \$75.

1 Section 2 also deletes the portion of Code section 123.47A  
2 that permits a person aged 18, 19, or 20 to possess and  
3 consume alcohol in a private home as long as the person has  
4 written consent signed by the person's own parent.

5 Section 3 requires schools to report to law enforcement  
6 authorities all violations of school policy or state law that  
7 occur on school property regarding alcohol, tobacco, or  
8 controlled substances.

9 Section 4 removes the \$2,000 restitution limit in the OWI  
10 chapter, and makes all OWI restitution action subject to  
11 chapter 910, the restitution chapter.

12 Section 5 amends chapter 321K to permit law enforcement  
13 agencies to set up roadblocks to enforce chapter 321J,  
14 regarding operating-while-intoxicated offenses.

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