

1-30-96 Judiciary

FILED JAN 30 1996

SENATE FILE 2100

BY TINSMAN, ZIEMAN, BOETTGER,
and GIANNETTO

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to possession or control of alcohol by persons
2 aged eighteen, nineteen, and twenty, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2100

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

3 1. A person shall not sell, give, or otherwise supply
4 alcoholic liquor, wine, or beer to any person knowing or
5 having reasonable cause to believe that the person is age
6 eighteen, nineteen, or twenty. A person age eighteen,
7 nineteen, or twenty shall not purchase or possess attempt to
8 purchase, or individually or jointly have, alcoholic liquor,
9 wine, or beer in the person's possession or control. However,
10 a person age eighteen, nineteen, or twenty may possess
11 alcoholic liquor, wine, or beer given to the person within a
12 private home with the knowledge, presence, and consent of the
13 person's parent or guardian, or with the signed, written
14 consent of the parent or guardian specifying the date and
15 place for the consumption and displayed by the person upon
16 demand, and a person age eighteen, nineteen, or twenty may
17 handle alcoholic liquor, wine, and beer during the course of
18 the person's employment by a liquor control licensee, or wine
19 or beer permittee. A person, other than a licensee or
20 permittee, who commits a first offense under this section
21 commits a scheduled violation of section 805.8, subsection 10.
22 A person, other than a licensee or permittee, who commits a
23 second or subsequent violation of this section, commits a
24 simple misdemeanor. A licensee or permittee who violates this
25 section with respect to a person who is age nineteen or twenty
26 is guilty of a simple misdemeanor punishable by a fine of not
27 more than fifty dollars. The penalty provided under this
28 section against a licensee or permittee who violates this
29 section with respect to a person who is age nineteen or twenty
30 is the only penalty which shall be imposed against a licensee
31 or permittee who violates this section. A licensee or
32 permittee who violates this section with respect to a person
33 who is age eighteen commits a simple misdemeanor, and is
34 subject to the criminal and civil penalties provided pursuant
35 to sections 123.49 and 123.50 with respect to selling, giving,

1 or otherwise supplying alcoholic beverages, liquor, wine, or
2 beer to persons under legal age.

3 EXPLANATION

4 This bill adds language to section 123.47A that imposes
5 liability upon persons 18, 19, and 20 years old for attempting
6 to purchase alcohol and individual and joint possession or
7 control of alcohol. This additional language makes section
8 123.47A consistent with the language used in, and liability
9 imposed by, the corresponding portion of section 123.47,
10 regarding the possession and control of alcohol by persons
11 under the age of 18.

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SENATE FILE 2100

S-5096

Amend Senate File 2100 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 123.3, subsection 19, Code 1995, is amended to read as follows:

19. "Legal age" means nineteen eighteen years of age or more.

Sec. 2. Section 137C.25C, subsection 3, Code 1995, is amended to read as follows:

3. The owner or operator reasonably believes that the individual is using the premises for an unlawful purpose including, but not limited to, the unlawful use or possession of controlled substances or the use of the premises for the consumption of alcohol by an individual in violation of section 123.47 ~~or 123.47A~~.

Sec. 3. Section 321.216B, Code 1995, is amended to read as follows:

321.216B USE OF MOTOR VEHICLE LICENSE BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

A person who is under the ~~age of twenty-one~~ legal age, as defined in section 123.3, for the consumption of alcohol, who alters or displays or has in the person's possession a fictitious or fraudulently altered motor vehicle license and who uses the license to violate or attempt to violate section 123.47 ~~or 123.47A~~, commits a simple misdemeanor. The court shall forward a copy of the conviction or order of adjudication under section 232.47 to the department.

Sec. 4. Section 805.8, subsection 10, paragraph a, Code Supplement 1995, is amended by striking the paragraph.

Sec. 5. REPEAL. Section 123.47A, Code 1995, is repealed."

By TONY BISIGNANO

S-5096 FILED FEBRUARY 21, 1996