

MAR 6 1997
JUDICIARY

HOUSE FILE 500
BY MURPHY

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

A BILL FOR

1 An Act relating to the purchase, possession, or sale of alcohol
2 to and by persons under the age of twenty-one and providing
3 penalties.

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

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HT 500

1 Section 1. Section 123.47, Code 1997, is amended to read
2 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, or
22 possession of alcoholic liquor, wine, or beer shall pay a
23 twenty-five one hundred dollar penalty.

24 Sec. 2. Section 123.47A, subsection 1, Code 1997, 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 123.50, subsection 4, Code 1997, is
26 amended to read as follows:

27 4. A person, other than a licensee or permittee or a
28 minor, who violates section 123.47 is guilty of a serious
29 misdemeanor punishable by a minimum fine of one hundred
30 dollars for a first offense, a minimum fine of two hundred and
31 fifty dollars for a second offense, and a minimum fine of five
32 hundred dollars for a third and or subsequent offense, and a
33 maximum fine for any second or subsequent offense of not more
34 than one thousand dollars.

35 Sec. 4. Section 805.8, subsection 10, paragraph a, Code

1 1997, is amended to read as follows:

2 a. For violations of section 123.47A, which constitute
3 first offenses as provided in that section, the scheduled fine
4 is fifteen one hundred dollars.

5 EXPLANATION

6 This bill changes the penalties applicable to the purchase
7 or possession of alcohol by persons under the age of 21 and
8 the sale of alcohol to those same persons by others. The
9 current penalty for purchase of alcohol by persons under the
10 age of 18 is raised from \$25 to \$100. The penalty for
11 possession of alcohol by those same minors is also changed to
12 a \$100 fine. The penalty applicable to first offense purchase
13 or possession of alcohol by a person who is 18, 19, or 20 is
14 also changed from a \$15 scheduled fine to a \$100 scheduled
15 fine. The criminal penalties applicable to persons, other
16 than licensees or permittees, who sell or give alcohol to
17 persons under the age of 21 are also changed to \$100 fines for
18 a first offense. The second and subsequent offense penalties
19 are not changed. The fine applicable to a licensee or
20 permittee who sells alcohol to a person aged 19 or 20 is
21 raised from a \$50 to a \$100 fine.

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