

JAN 12 2000

JUDICIARY

HOUSE FILE 2036
BY THOMSON, BOAL, DAVIS,
DIX, LORD, and JOHNSON

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

A BILL FOR

1 An Act to prohibit the possession or consumption of alcoholic
2 beverages in undergraduate dormitories and residence halls at
3 postsecondary educational institutions and to provide a civil
4 penalty.

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

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HF 2036

1 Section 1. Section 123.46, subsection 1, Code 1999, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. "Undergraduate dormitory" means a
4 dormitory or residence hall used for housing undergraduate
5 students, which is under the control of a board of directors
6 of a community college under chapter 260C, an accredited
7 private institution as defined in section 261.9, or an
8 institution of higher learning under the control of the state
9 board of regents pursuant to chapter 262.

10 Sec. 2. Section 123.46, Code 1999, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 2A. A person shall not possess or consume
13 alcoholic liquor, wine, or beer in an undergraduate dormitory.
14 In addition to a criminal penalty which may apply, a person
15 violating this subsection shall pay a civil penalty not to
16 exceed two hundred dollars. Judicial magistrates shall hear
17 and determine violations of this subsection. The civil
18 penalties paid pursuant to this subsection shall be deposited
19 in the county general fund. A person aggrieved by another
20 person possessing or consuming alcoholic liquor, wine, or beer
21 in an undergraduate dormitory, or an institution of higher
22 learning or community college, may request the court to impose
23 additional sanctions for a violation of this subsection.

24 Sec. 3. Section 260C.4, Code 1999, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 4. Adopt a policy to monitor the
27 enforcement of the prohibition on the possession or
28 consumption of alcoholic liquor, wine, or beer in
29 undergraduate dormitories at community colleges pursuant to
30 section 123.46. The policy shall include a clear statement of
31 sanctions for failure of a community college to enforce the
32 prohibition on the possession or consumption of alcoholic
33 liquor, wine, or beer in undergraduate dormitories under its
34 control.

35 Sec. 4. Section 261.2, Code 1999, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 15. Establish sanctions for accredited
3 private institutions which fail to enforce a prohibition on
4 the possession or consumption of alcoholic liquor, wine, or
5 beer in undergraduate dormitories under their control pursuant
6 to section 123.46. The sanctions may deny participation in
7 tuition grant and other state financial aid programs by an
8 accredited private institution.

9 Sec. 5. Section 262.9, Code Supplement 1999, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 30. Adopt a policy to monitor the
12 enforcement of the prohibition on the possession or
13 consumption of alcoholic liquor, wine, or beer in
14 undergraduate dormitories at the institutions of higher
15 learning under its control pursuant to section 123.46. The
16 policy shall include a clear statement of sanctions for
17 failure of an institution of higher learning to enforce the
18 prohibition on the possession or consumption of alcoholic
19 liquor, wine, or beer in undergraduate dormitories.

20 EXPLANATION

21 This bill establishes a prohibition on the possession or
22 consumption of alcoholic liquor, wine, or beer in a
23 undergraduate dormitory of a private or public postsecondary
24 educational institution. A person who violates the alcoholic
25 beverage prohibition shall pay a civil penalty not to exceed
26 \$200. Judicial magistrates shall hear and determine
27 violations. The civil penalties paid shall be credited to the
28 county general fund. An aggrieved person or an institution of
29 higher learning or a community college may request the court
30 to impose additional sanctions for a violation of the
31 prohibition. A person who is under legal age and who
32 possesses or consumes alcoholic beverages is guilty of a
33 simple misdemeanor for a first offense and a serious
34 misdemeanor and loss of one's driver's privileges for one year
35 for a second or subsequent offense.

1 The state board for community colleges and the state board
2 of regents are directed to adopt policies to monitor the
3 enforcement of the prohibition on the possession or
4 consumption of alcoholic liquor, wine, or beer in
5 undergraduate dormitories. The policies are to include a
6 clear statement of sanctions to be imposed for failure of the
7 community colleges or other institutions of higher learning to
8 enforce the prohibition.

9 The college student aid commission is also directed to
10 establish sanctions for accredited private institutions which
11 fail to enforce the prohibition on the possession or
12 consumption of alcoholic liquor, wine, or beer in their
13 undergraduate dormitories. The sanctions may include the
14 denial of participation in tuition grant or other state
15 financial programs by an accredited private institution.

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