

FEB 23 2000

JUDICIARY

HOUSE FILE 2404  
BY NELSON-FORBES

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

**A BILL FOR**

1 An Act relating to the criminal penalty for persons under legal  
2 age purchasing, attempting to purchase, or possessing an  
3 alcoholic beverage.

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

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*HF 2404*

1 Section 1. Section 123.47, subsection 3, Code Supplement  
2 1999, is amended to read as follows:

3 3. A person who is under legal age, other than a licensee  
4 or permittee, who violates this section regarding the purchase  
5 of or attempt to purchase alcoholic liquor, wine, or beer, or  
6 possessing or having control of alcoholic liquor, wine, or  
7 beer, commits a simple misdemeanor punishable ~~by a fine of one~~  
8 ~~hundred dollars for the first offense~~ as a scheduled violation  
9 under section 805.8, subsection 10. A second or subsequent  
10 offense shall ~~be a simple misdemeanor punishable by a fine of~~  
11 ~~two hundred dollars and~~ also result in the suspension of the  
12 person's motor vehicle operating privileges for a period not  
13 to exceed one year. The court may, in its discretion, order  
14 the person who is under legal age to perform community service  
15 work under section 909.3A, of an equivalent value to the fine  
16 imposed under this section. However, if the person who  
17 commits the violation of this section is under the age of  
18 eighteen, the matter shall be disposed of in the manner  
19 provided in chapter 232.

20 Sec. 2. Section 805.8, subsection 10, Code Supplement  
21 1999, is amended by adding the following new paragraph before  
22 paragraph a:

23 NEW PARAGRAPH. aa. For violations of section 123.47,  
24 subsection 3, the scheduled fine is one hundred dollars for a  
25 first offense and two hundred dollars for a second or  
26 subsequent offense.

27 EXPLANATION

28 This bill makes changes to the criminal penalty for persons  
29 under legal age (under 21) who purchase, attempt to purchase,  
30 or possess an alcoholic beverage. The bill does not change  
31 the mandatory fine amounts under existing law. However, the  
32 bill changes the penalty from a simple misdemeanor to a simple  
33 misdemeanor punishable as a scheduled violation. The bill  
34 provides that a first offense is punishable by a scheduled  
35 fine in the amount of \$100 and a second or subsequent offense

1 is punishable by a scheduled fine in the amount of \$200. The  
2 driver's license of a person under legal age is also suspended  
3 for a second or subsequent offense under existing law.

4 A scheduled violation is a simple misdemeanor punishable by  
5 only a fine. A person charged with a scheduled violation may  
6 enter a plea of guilty without making a formal court  
7 appearance. Persons under the age of 18 who violate the  
8 bill's prohibitions remain subject to juvenile court  
9 jurisdiction.

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