

SENATE FILE 2122
BY SCHUERER

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

A BILL FOR

1 An Act relating to the criminal penalties for a person under
2 legal age who purchases, attempts to purchase, or possesses an
3 alcoholic beverage.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 2122
JUDICIARY

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 five hundred dollars for the first offense. A second or
9 subsequent offense shall be a simple misdemeanor punishable by
10 a fine of ~~two~~ five hundred dollars and the suspension of the
11 person's motor vehicle operating privileges for a period not
12 to exceed one year. The court may, in its discretion, order
13 the person who is under legal age to perform community service
14 work under section 909.3A, of an equivalent value to the fine
15 imposed under this section. However, if the person who
16 commits the violation of this section is under the age of
17 eighteen, the matter shall be disposed of in the manner
18 provided in chapter 232.

19 EXPLANATION

20 This bill relates to the criminal penalties for a person
21 under legal age who purchases, attempts to purchase, or
22 possesses an alcoholic beverage.

23 The bill provides that a person under legal age who
24 purchases, attempts to purchase, or possesses an alcoholic
25 beverage is guilty of a simple misdemeanor punishable by a
26 fine of \$500 for a first or subsequent offense. Under
27 existing law, a person under legal age is guilty of a simple
28 misdemeanor punishable by a fine of \$100 for a first offense,
29 and a simple misdemeanor punishable by a fine of \$200 for a
30 second or subsequent offense. A driver's license of a person
31 under legal age is also suspended for a second or subsequent
32 offense under existing law.

33
34
35

**SENATE FILE 2122
FISCAL NOTE**

A fiscal note for Senate File 2122 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2122 increases the fines for purchase, attempt to purchase, and possession of alcohol by a minor. Currently, the fines are \$100 for the first offense and \$200 for the second or subsequent offense. Under this Bill, the fine for any offense will become \$500. Under current law, the offender also may lose his or her driver's license for up to one year for a second or subsequent offense. The offender also may be ordered to perform community service.

ASSUMPTIONS

1. Charge and conviction patterns will remain constant over the projection period.
2. The law will become effective on July 1, 2000, and there will be a six-month lag effect for full implementation.
3. Based on information from the Justice Data Warehouse, it is estimated there will be 4,361 first offense cases and 30 second and subsequent cases.
4. FY 1997 collection and fine payment patterns will continue over the projection period.
5. The Courts may experience some increased workload which can be managed within the appropriated budget.
6. The Department of Transportation does not anticipate any impact from this Bill.

FISCAL IMPACT

The General Fund will receive fine revenues of \$274,000 in FY 2001, \$734,000 in FY 2002, \$959,000 in FY 2003, and \$985,000 each year thereafter due to implementation of Senate File 2122.

SOURCES

Criminal and Juvenile Justice Planning Division (Justice Data Warehouse),
Department of Human Rights
Judicial Branch
Department of Transportation
Office of the Public Defender

(LSB 6092SS, MDF)

FILED FEBRUARY 24, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR