

FEB 16 2004
PUBLIC SAFETY

HOUSE FILE 2253
BY STRUYK

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

A BILL FOR

1 An Act relating to penalties applicable for alcohol-related
2 offenses regarding under-legal-age individuals.

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

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HF 2253

1 Section 1. Section 123.47, Code 2003, is amended to read
2 as follows:

3 123.47 PERSONS UNDER LEGAL AGE -- PENALTY.

4 1. 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
7 legal age.

8 2. A person or persons under legal age shall not purchase
9 or attempt to purchase, or individually or jointly have
10 alcoholic liquor, wine, or beer in their possession or
11 control; except in the case of liquor, wine, or beer given or
12 dispensed to a person under legal age within a private home
13 and with the knowledge, presence, and consent of the parent or
14 guardian, for beverage or medicinal purposes or as
15 administered to the person by either a physician or dentist
16 for medicinal purposes and except to the extent that a person
17 under legal age may handle alcoholic beverages, wine, and beer
18 during the regular course of the person's employment by a
19 liquor control licensee, or wine or beer permittee under this
20 chapter.

21 3. A person who is under legal age, other than a licensee
22 or permittee, who violates this section regarding the purchase
23 of or attempt to purchase alcoholic liquor, wine, or beer, or
24 possessing or having control of alcoholic liquor, wine, or
25 beer, commits ~~a simple~~ an aggravated misdemeanor ~~punishable by~~
26 ~~a fine of one hundred dollars for the first offense. A second~~
27 ~~or subsequent offense shall be a simple misdemeanor punishable~~
28 ~~by a fine of two hundred dollars and the suspension of the~~
29 ~~person's motor vehicle operating privileges for a period not~~
30 ~~to exceed one year. The court may, in its discretion, order~~
31 ~~the person who is under legal age to perform community service~~
32 ~~work under section 909.3A, of an equivalent value to the fine~~
33 ~~imposed under this section.~~ However, if the person who
34 commits the violation of this section is under the age of
35 eighteen, the matter shall be disposed of in the manner

1 provided in chapter 232, and additionally a one-year
2 suspension of the person's motor vehicle operating privileges
3 issued pursuant to section 321.180B shall be imposed.

4 4. Except as otherwise provided in subsections 5 and 6, a
5 person who is ~~of-legal-age~~ eighteen years of age or older,
6 other than a licensee or permittee, who sells, gives, or
7 otherwise supplies alcoholic liquor, wine, or beer to a person
8 who is under legal age in violation of this section commits a
9 serious misdemeanor punishable by a minimum fine of five
10 hundred dollars.

11 5. A person who is ~~of-legal-age~~ eighteen years of age or
12 older, other than a licensee or permittee, who sells, gives,
13 or otherwise supplies alcoholic liquor, wine, or beer to a
14 person who is under legal age in violation of this section
15 which results in serious injury to any person commits an
16 aggravated misdemeanor.

17 6. A person who is ~~of-legal-age~~ eighteen years of age or
18 older, other than a licensee or permittee, who sells, gives,
19 or otherwise supplies alcoholic liquor, wine, or beer to a
20 person who is under legal age in violation of this section
21 which results in the death of any person commits a class "D"
22 felony.

23 EXPLANATION

24 This bill changes penalties imposed for alcohol-related
25 offenses in connection with under-legal-age individuals.

26 The bill provides that persons under legal age (under age
27 21), other than a licensee or permittee, who violate
28 provisions of Code section 123.47 relating to the purchase,
29 attempted purchase, or possession, of alcoholic liquor, wine,
30 or beer, commit an aggravated misdemeanor. Currently, the
31 penalty for such violations consists of a simple misdemeanor
32 punishable by a \$100 fine for a first offense, increasing to a
33 \$200 fine and a motor vehicle operator's license suspension
34 for subsequent offenses, with the possibility of community
35 service work imposed in lieu of a monetary fine. The bill

1 provides that in the case of a person under the age of 18, in
2 addition to the current penalty of disposition as provided in
3 Code chapter 232 dealing with juvenile justice proceedings,
4 there will also be a one-year revocation of a motor vehicle
5 operator's license issued pursuant to Code section 321.180B.

6 The bill also provides that the penalties currently
7 applicable for violations of the provisions of Code section
8 123.47 by individuals of legal age (age 21 or older) relating
9 to selling, gifting, or otherwise supplying alcoholic liquor,
10 wine, or beer to persons under legal age (under age 21) shall
11 instead refer to individuals age 18 or older who sell, gift,
12 or supply to individuals under legal age (under age 21). The
13 effect of this change is to make these penalties applicable to
14 individuals between 18 and 20 years of age.

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