

House Study Bill 73

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

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

A BILL FOR

1 An Act relating to the purchase, possession, or consumption of
2 alcohol by a person under legal age, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1238DP 81
5 jm/gg/14

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1 1 Section 1. Section 123.47, subsection 3, Code 2005, is
1 2 amended to read as follows:
1 3 3. A person who is under legal age, other than a licensee
1 4 or permittee, who violates this section regarding the purchase
1 5 of or attempt to purchase alcoholic liquor, wine, or beer, or
1 6 possessing or having control of alcoholic liquor, wine, or
1 7 beer, commits a simple misdemeanor punishable by a fine of one
~~1 8 hundred dollars for the first offense. A second or subsequent~~
~~1 9 offense shall be a simple misdemeanor punishable by a fine of~~
~~1 10 two hundred dollars and the suspension of as a scheduled fine~~
~~1 11 under section 805.8C, subsection 7. In addition to any other~~
~~1 12 penalty, if the violation is a second or subsequent offense,~~
1 13 the person's motor vehicle operating privileges shall be
1 14 suspended for a period not to exceed one year. The court may,
1 15 in its discretion, order the person who is under legal age to
1 16 perform community service work under section 909.3A, of an
1 17 equivalent value to the fine imposed under this section.
1 18 ~~However, if~~ If the person who commits ~~the~~ a violation of this
1 19 section is under the age of eighteen, the matter shall be
1 20 disposed of in the manner provided in chapter 232.
1 21 Sec. 2. Section 805.8C, Code 2005, is amended by adding
1 22 the following new subsection:
1 23 NEW SUBSECTION. 7. ALCOHOL BEVERAGE VIOLATIONS BY PERSONS
1 24 UNDER LEGAL AGE. For violations of section 123.47, subsection
1 25 3, the scheduled fine is as follows:
1 26 a. If the violation is a first offense, the scheduled fine
1 27 is one hundred dollars.
1 28 b. If the violation is a second or subsequent offense, the
1 29 scheduled fine is two hundred dollars.
1 30 EXPLANATION
1 31 This bill relates to the purchase, possession, or
1 32 consumption of alcohol by a person under 21 years of age.
1 33 The bill changes the criminal violation under the bill from
1 34 a simple misdemeanor to a simple misdemeanor punishable as a
1 35 scheduled violation. However, the bill does not change the
2 1 fine amounts associated with a first or subsequent offense for
2 2 the purchase, possession, or consumption of alcohol by a
2 3 person under legal age. A second or subsequent offense
2 4 continues to carry with it a mandatory suspension of the
2 5 violator's driver's license for up to one year.
2 6 A scheduled violation is generally a simple misdemeanor
2 7 punishable by only a fine pursuant to Code section 805.11. A
2 8 person charged with a scheduled violation may enter a plea of
2 9 guilty without a formal court appearance. Persons under the
2 10 age of 18 who violate the bill's prohibitions remain subject
2 11 to juvenile court.
2 12 A simple misdemeanor is punishable by confinement for no
2 13 more than 30 days or a fine of at least \$50 but not more than
2 14 \$500 or by both.
2 15 LSB 1238DP 81
2 16 jm/gg/14