

# House File 796 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 221)

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

## A BILL FOR

1 An Act relating to possession or consumption of an alcoholic  
2 beverage by an under legal age person, and providing a  
3 penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2411HV 82  
6 jm/cf/24

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1 1 Section 1. Section 123.47, Code 2007, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. Except for the purposes described in  
1 4 subsection 2, a person who is the owner or lessee of, or who  
1 5 otherwise has control over, property that is not a licensed  
1 6 premises, shall not permit any person, knowing or having  
1 7 reasonable cause to believe the person to be under legal age,  
1 8 to consume or possess on such property any alcoholic liquor,  
1 9 wine, or beer.

1 10 Sec. 2. Section 123.47, subsection 3, paragraph a,  
1 11 unnumbered paragraph 1, Code 2007, is amended to read as  
1 12 follows:

1 13 A person who is under legal age, other than a licensee or  
1 14 permittee, who violates this section regarding the purchase of  
1 15 or attempt to purchase alcoholic liquor, wine, or beer, or  
1 16 possessing or having control of alcoholic liquor, wine, or  
1 17 beer, or permits under legal age consumption or possession on  
1 18 certain property, commits the following:

1 19 Sec. 3. Section 123.47, subsection 3, paragraph a,  
1 20 subparagraph (1), Code 2007, is amended to read as follows:

1 21 (1) A simple misdemeanor punishable as a scheduled  
1 22 violation under section 805.8C, subsection 7. Notwithstanding  
1 23 section 903.1, the court, in lieu of ordering payment of a  
1 24 scheduled fine, may suspend the fine and order the person  
1 25 under legal age to receive a substance abuse evaluation by a  
1 26 program licensed to provide services pursuant to section  
1 27 125.13.

1 28 Sec. 4. Section 123.47, subsection 4, Code 2007, is  
1 29 amended to read as follows:

1 30 4. Except as otherwise provided in subsections 5 and 6, a  
1 31 person who is of legal age, other than a licensee or  
1 32 permittee, who sells, gives, or otherwise supplies alcoholic  
1 33 liquor, wine, or beer to a person who is under legal age in  
1 34 violation of this section, or permits under legal age  
1 35 consumption or possession on certain property, commits a

2 1 serious misdemeanor punishable by a minimum fine of five  
2 2 hundred dollars.

### EXPLANATION

2 4 This bill relates to possession or consumption of an  
2 5 alcoholic beverage by an under legal age person on certain  
2 6 property.

2 7 Under the bill, a person who is the owner or lessee of, or  
2 8 who otherwise has control over, property that is not a  
2 9 licensed premises, shall not permit an under legal age person  
2 10 to consume or possess an alcoholic beverage on such property.

2 11 The bill does not affect situations involving a person  
2 12 under legal age consuming or possessing an alcoholic beverage  
2 13 for a permitted purpose under Code section 123.47, subsection  
2 14 2.

2 15 For a first offense, a person under legal age who permits  
2 16 under legal age consumption or possession in violation of the  
2 17 bill commits a simple misdemeanor punishable as a scheduled

2 18 violation under Code section 805.8C, subsection 7; for a  
2 19 second offense a person commits a simple misdemeanor  
2 20 punishable by a fine of \$500; and for a third or subsequent  
2 21 offense the person commits a simple misdemeanor punishable by  
2 22 a fine of \$500 and suspension of the person's motor vehicle  
2 23 operating privileges for up to one year.  
2 24 The court, for a first offense by a person under legal age,  
2 25 may suspend the payment of a scheduled fine and order the  
2 26 person under legal age to receive a substance abuse evaluation  
2 27 by a program licensed to provide services pursuant to Code  
2 28 section 125.13.  
2 29 A person of legal age who permits under legal age  
2 30 consumption or possession in violation of the bill commits a  
2 31 serious misdemeanor punishable by a minimum fine of \$500.  
2 32 LSB 2411HV 82  
2 33 jm:nh/cf/24