

**House Study Bill 669 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY FORD

**A BILL FOR**

1 An Act relating to the consumption of alcohol or intoxication  
2 in public places and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.47, subsection 2, Code 2009, is  
2 amended to read as follows:

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

16 Sec. 2. Section 123.47, subsection 3, paragraph a,  
17 unnumbered paragraph 1, Code 2009, is amended to read as  
18 follows:

19 A person who is under legal age, other than a licensee or  
20 permittee, who violates this section regarding the purchase  
21 of, ~~or~~ attempt to purchase, or consumption of alcoholic liquor,  
22 wine, or beer, or possessing or having control of alcoholic  
23 liquor, wine, or beer, commits the following:

24 Sec. 3. Section 123.47B, Code 2009, is amended to read as  
25 follows:

26 **123.47B Parental and school notification — persons under**  
27 **eighteen years of age.**

28 1. A peace officer shall make a reasonable effort to  
29 identify a person under the age of eighteen discovered  
30 consuming or to be in possession of alcoholic liquor, wine,  
31 or beer in violation of section 123.47 and if the person is  
32 not referred to juvenile court, the law enforcement agency of  
33 which the peace officer is an employee shall make a reasonable  
34 attempt to notify the person's custodial parent or legal  
35 guardian of such consumption or possession, whether or not the

1 person is arrested or a citation is issued pursuant to section  
2 805.16, unless the officer has reasonable grounds to believe  
3 that such notification is not in the best interests of the  
4 person or will endanger that person.

5 2. The peace officer shall also make a reasonable effort to  
6 identify the elementary or secondary school which the person  
7 attends if the person is enrolled in elementary or secondary  
8 school and to notify the superintendent or the superintendent's  
9 designee of the school which the person attends, or the  
10 authorities in charge of the nonpublic school which the person  
11 attends, of the consumption or possession. If the person is  
12 taken into custody, the peace officer shall notify a juvenile  
13 court officer who shall make a reasonable effort to identify  
14 the elementary or secondary school the person attends, if any,  
15 and to notify the superintendent of the school district or the  
16 superintendent's designee, or the authorities in charge of the  
17 nonpublic school, of the taking into custody. A reasonable  
18 attempt to notify the person includes but is not limited to a  
19 telephone call or notice by first-class mail.

20 Sec. 4. NEW SECTION. 123.47C Preliminary screening test.

21 When a peace officer has reasonable grounds to believe that  
22 a violation of section 123.46 or 123.47 has occurred, the peace  
23 officer may request that the person provide a sample of the  
24 person's breath for a preliminary screening test using a device  
25 approved by the commissioner of public safety for that purpose.  
26 The results of this preliminary screening test or a refusal  
27 of such test may be used as evidence in a prosecution of a  
28 violation of section 123.46 or 123.47.

29 Sec. 5. Section 232.52, subsection 2, paragraph a,  
30 subparagraph (4), subparagraph division (a), subparagraph  
31 subdivision (ii), Code Supplement 2009, is amended to read as  
32 follows:

33 (ii) Section 123.47 regarding the purchase, ~~or~~ attempt to  
34 purchase, or consumption of alcoholic beverages.

EXPLANATION

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2 This bill relates to the consumption of alcohol or  
3 intoxication in public places, providing a penalty, and making  
4 penalties applicable.

5 The bill amends Code section 123.47 to specify that a person  
6 under legal age (under 21) in Iowa is prohibited from consuming  
7 alcoholic liquor, wine, or beer, subject to certain exceptions  
8 (if consumed in a private home with the knowledge, presence,  
9 and consent of the underage person's parent or guardian, for  
10 beverage or medicinal purposes or as administered to the person  
11 by either a physician or dentist for medicinal purposes, and to  
12 the extent that a person under legal age may handle alcoholic  
13 beverages, wine, and beer during the regular course of the  
14 person's employment by a liquor control licensee, or wine or  
15 beer permittee under Code chapter 123).

16 An underage person age 18 or over found to be in violation  
17 of Code section 123.47 commits a simple misdemeanor and is  
18 subject to a scheduled violation fine, a criminal penalty fine,  
19 community service, a substance abuse evaluation, and suspension  
20 of the person's motor vehicle operating privileges for up to  
21 one year depending on the circumstances of the offense. A  
22 person under the age of 18 is subject to the jurisdiction  
23 of the juvenile court and may be subject to the suspension  
24 or revocation of the person's driver's license or operating  
25 privilege for one year. In addition, the bill requires a  
26 peace officer to make a reasonable attempt to notify the such  
27 person's custodial parent or legal guardian and, if applicable,  
28 school officials, about the underage person's consumption of  
29 alcoholic beverages.

30 The bill also provides that when a peace officer has  
31 reasonable grounds to believe that a violation of Code section  
32 123.46 (consumption of alcohol or intoxication in public) or  
33 Code section 123.47 has occurred, the peace officer may request  
34 that the person provide a sample of the person's breath for  
35 a preliminary screening test using a device approved by the

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1 commissioner of public safety for that purpose. The results  
2 of this preliminary screening test or a refusal of such test  
3 may be used as evidence in a prosecution of a violation of Code  
4 section 123.46 or 123.47.