

Senate File 2146 - Introduced

SENATE FILE 2146

BY BOWMAN and SCHOENJAHN

A BILL FOR

1 An Act relating to the underage possession or consumption of
2 alcohol and providing penalties.

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

1 Section 1. Section 123.47, Code 2014, is amended by adding
2 the following new subsection:

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

10 Sec. 2. Section 123.47, subsection 2, Code 2014, is amended
11 to read as follows:

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

24 Sec. 3. Section 123.47, subsection 3, paragraph a,
25 unnumbered paragraph 1, Code 2014, is amended to read as
26 follows:

27 A person who is eighteen, nineteen, or twenty years of
28 age, other than a licensee or permittee, who violates this
29 section regarding the purchase of, ~~or attempt to purchase,~~ or
30 consumption of alcoholic liquor, wine, or beer, or possessing
31 or having control of alcoholic liquor, wine, or beer, or
32 permitting under legal age consumption or possession on certain
33 property commits the following:

34 Sec. 4. Section 123.47, subsection 3, paragraph a,
35 subparagraph (1), Code 2014, is amended to read as follows:

1 (1) A simple misdemeanor punishable as a scheduled
2 violation under section 805.8C, subsection 7. Notwithstanding
3 section 903.1, the court, in lieu of ordering payment of a
4 scheduled fine, may suspend the fine and order the person who
5 is eighteen, nineteen, or twenty years of age to receive a
6 substance abuse evaluation by a program licensed to provide
7 services pursuant to section 125.13.

8 Sec. 5. Section 123.47, subsection 4, Code 2014, is amended
9 to read as follows:

10 4. Except as otherwise provided in subsections 5 and 6, a
11 person who is of legal age, other than a licensee or permittee,
12 who sells, gives, or otherwise supplies alcoholic liquor, wine,
13 or beer to a person who is under legal age in violation of this
14 section, or permits under legal age consumption or possession
15 on certain property, commits a serious misdemeanor punishable
16 by a minimum fine of five hundred dollars.

17 Sec. 6. Section 123.47B, Code 2014, is amended to read as
18 follows:

19 **123.47B Parental and school notification — persons under**
20 **eighteen years of age.**

21 1. A peace officer shall make a reasonable effort to
22 identify a person under the age of eighteen discovered
23 consuming or to be in possession of alcoholic liquor, wine, or
24 beer in violation of section 123.47 and refer the person to
25 juvenile court.

26 2. The juvenile court officer shall notify the person's
27 custodial parent, legal guardian, or custodian of the
28 violation. In addition, the juvenile court shall also make
29 a reasonable effort to identify the elementary or secondary
30 school which the person attends if the person is enrolled in
31 elementary or secondary school and to notify the superintendent
32 or the superintendent's designee of the school which the person
33 attends, or the authorities in charge of the nonpublic school
34 which the person attends, of the consumption or possession. A
35 reasonable attempt to notify the person includes but is not

1 limited to a telephone call or notice by first-class mail.

2 Sec. 7. Section 232.52, subsection 2, paragraph a,
3 subparagraph (4), subparagraph division (a), subparagraph
4 subdivision (ii), Code 2014, is amended to read as follows:

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

7 Sec. 8. Section 232.52, subsection 2, paragraph a,
8 subparagraph (4), subparagraph division (a), subparagraph
9 subdivision (vi), Code 2014, is amended to read as follows:

10 (vi) Two or more violations of section 123.47 regarding the
11 consumption or possession of alcoholic beverages.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to the underage possession or consumption
16 of alcohol and provides penalties.

17 Under the bill, a person who is the owner or lessee of, or
18 who otherwise has control over, property that is not a licensed
19 premises, shall not permit an under legal age person to consume
20 or possess an alcoholic beverage on such property.

21 The bill amends Code section 123.47 to specify that a person
22 under legal age (under 21) in Iowa is prohibited from consuming
23 alcoholic liquor, wine, or beer, subject to certain exceptions
24 (if consumed in a private home with the knowledge, presence,
25 and consent of the underage person's parent or guardian, for
26 beverage or medicinal purposes or as administered to the person
27 by either a physician or dentist for medicinal purposes, and to
28 the extent that a person under legal age may handle alcoholic
29 beverages, wine, and beer during the regular course of the
30 person's employment by a liquor control licensee, or wine
31 or beer permittee under Code chapter 123). The bill makes
32 conforming changes.

33 For a first offense, a person who is 18, 19, or 20 who
34 permits under legal age consumption or possession in violation
35 of the bill commits a simple misdemeanor punishable as a

1 scheduled violation under Code section 805.8C, subsection 7;
2 for a second offense a person commits a simple misdemeanor
3 punishable by a fine of \$500; and for a third or subsequent
4 offense the person commits a simple misdemeanor punishable by
5 a fine of \$500 and suspension of the person's motor vehicle
6 operating privileges for up to one year.

7 The court, for a first offense by a person who is 18, 19,
8 or 20, may suspend the payment of a scheduled fine and order
9 the person who is 18, 19, or 20 to receive a substance abuse
10 evaluation by a program licensed to provide services pursuant
11 to Code section 125.13.

12 A person of legal age who permits under legal age consumption
13 or possession in violation of the bill commits a serious
14 misdemeanor punishable by a minimum fine of \$500.