SENATE FILE 2310 BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2146)

A BILL FOR

- An Act relating to the underage possession or consumption of
 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 <u>NEW SUBSECTION</u>. 1A. *a.* Except for the purposes described 4 in 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 knowingly permit any person, knowing or 7 having reasonable cause to believe the person to be under legal 8 age, to consume or possess on such property any alcoholic 9 liquor, wine, or beer.

10 b. A person who violates this subsection commits the 11 following:

12 (1) For a first offense, a simple misdemeanor punishable as
13 a scheduled violation under section 805.8C, subsection 7A.
14 (2) For a second or subsequent offense, a simple misdemeanor

15 punishable by a fine of five hundred dollars. 16 Sec. 2. Section 123.47, subsection 2, Code 2014, is amended

17 to read as follows:

2. A person or persons under legal age shall not purchase or 19 attempt to purchase, <u>consume</u>, or individually or jointly have 20 alcoholic liquor, wine, or beer in their possession or control; 21 except in the case of liquor, wine, or beer given or dispensed 22 to a person under legal age within a private home and with the 23 knowledge, presence, and consent of the parent or guardian, for 24 beverage or medicinal purposes or as administered to the person 25 by either a physician or dentist for medicinal purposes and 26 except to the extent that a person under legal age may handle 27 alcoholic beverages, wine, and beer during the regular course 28 of the person's employment by a liquor control licensee, or 29 wine or beer permittee under this chapter.

30 Sec. 3. Section 123.47, subsection 3, paragraph a, 31 unnumbered paragraph 1, Code 2014, is amended to read as 32 follows:

33 A person who is eighteen, nineteen, or twenty years of 34 age, other than a licensee or permittee, who violates this 35 section regarding the purchase of, or attempt to purchase, or

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1 consumption of alcoholic liquor, wine, or beer, or possessing 2 or having control of alcoholic liquor, wine, or beer, commits 3 the following:

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

6 123.47B Parental and school notification — persons under
7 eighteen years of age.

8 1. A peace officer shall make a reasonable effort to 9 identify a person under the age of eighteen discovered 10 <u>consuming or</u> to be in possession of alcoholic liquor, wine, or 11 beer in violation of section 123.47 and refer the person to 12 juvenile court.

13 The juvenile court officer shall notify the person's 2. 14 custodial parent, legal guardian, or custodian of the 15 violation. In addition, the juvenile court shall also make 16 a reasonable effort to identify the elementary or secondary 17 school which the person attends if the person is enrolled in 18 elementary or secondary school and to notify the superintendent 19 or the superintendent's designee of the school which the person 20 attends, or the authorities in charge of the nonpublic school 21 which the person attends, of the consumption or possession. A 22 reasonable attempt to notify the person includes but is not 23 limited to a telephone call or notice by first-class mail. 24 Sec. 5. Section 232.52, subsection 2, paragraph a, 25 subparagraph (4), subparagraph division (a), subparagraph 26 subdivision (ii), Code 2014, is amended to read as follows: 27 Section 123.47 regarding the purchase, or attempt to (ii) 28 purchase, or consumption of alcoholic beverages. 29 Sec. 6. Section 232.52, subsection 2, paragraph a, 30 subparagraph (4), subparagraph division (a), subparagraph 31 subdivision (vi), Code 2014, is amended to read as follows: 32 (vi) Two or more violations of section 123.47 regarding the 33 consumption or possession of alcoholic beverages. 34 Sec. 7. Section 805.8C, Code 2014, is amended by adding the

35 following new subsection:

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NEW SUBSECTION. 7A. Unlicensed premises owner — underage consumption or possession. For first offense violations of section 123.47, subsection 1A, the scheduled fine is two hundred dollars.

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6 7 EXPLANATION

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

8 This bill relates to the underage possession or consumption 9 of alcohol and provides penalties.

Under the bill, a person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises, shall not knowingly permit an under legal age person to consume or possess an alcoholic beverage on such property. The bill provides that a person who violates this provision commits a simple misdemeanor for a first offense, punishable as a scheduled violation with a fine of \$200, and a simple misdemeanor for a second or subsequent offense, punishable by a \$500 fine.

19 The bill amends Code section 123.47 to specify that a person 20 under legal age (under 21) in Iowa is prohibited from consuming 21 alcoholic liquor, wine, or beer, subject to certain exceptions 22 (if consumed in a private home with the knowledge, presence, 23 and consent of the underage person's parent or guardian, for 24 beverage or medicinal purposes or as administered to the person 25 by either a physician or dentist for medicinal purposes, and to 26 the extent that a person under legal age may handle alcoholic 27 beverages, wine, and beer during the regular course of the 28 person's employment by a liquor control licensee, or wine 29 or beer permittee under Code chapter 123). The bill makes 30 conforming changes.

For a first offense, a person who is 18, 19, or 20 who consumes alcoholic liquor, wine, or beer in violation of the bill commits a simple misdemeanor punishable as a scheduled violation under Code section 805.8C, subsection 7; for a second offense a person commits a simple misdemeanor punishable by a

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1 fine of \$500; and for a third or subsequent offense the person 2 commits a simple misdemeanor punishable by a fine of \$500 and 3 suspension of the person's motor vehicle operating privileges 4 for up to one year.

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