

House File 371 - Introduced

HOUSE FILE 371

BY WOLFE

A BILL FOR

1 An Act relating to alcoholic beverage control violations and
2 second and subsequent convictions, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.91, Code 2019, is amended to read as
2 follows:

3 **123.91 Second and subsequent conviction.**

4 Any person who has been convicted, in a criminal action,
5 in any court of record, of a violation of a provision of this
6 chapter except for a violation of section 123.46, a provision
7 of the prior laws of this state relating to alcoholic liquors,
8 wine, or beer which was in force prior to the enactment of
9 this chapter, or a provision of the laws of the United States
10 or of any other state relating to alcoholic liquors, wine, or
11 beer, and who is thereafter convicted of a subsequent criminal
12 offense against any provision of **this chapter** is guilty of the
13 following offenses:

14 1. For the second conviction, a serious misdemeanor.

15 2. For the third and each subsequent conviction, an
16 aggravated misdemeanor.

17

EXPLANATION

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

20 This bill relates to alcoholic beverage control violations
21 and second and subsequent convictions, and provides penalties.

22 The bill provides that a conviction under Code section
23 123.46 (consumption or intoxication in public places) is not
24 subject to the sentencing enhancement provisions of Code
25 section 123.91 for a second or subsequent conviction. A
26 violation of Code section 123.46 is a simple misdemeanor.