

**House File 688 - Introduced**

HOUSE FILE 688  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 371)

**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.