

House File 2023 - Introduced

HOUSE FILE 2023

BY WOLFE

A BILL FOR

1 An Act repealing the criminal offenses of intoxication and
2 simulated intoxication in public places.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.46, subsection 2, Code 2016, is
2 amended to read as follows:

3 2. A person shall not use or consume alcoholic liquor, wine,
4 or beer upon the public streets or highways. A person shall
5 not use or consume alcoholic liquor in any public place except
6 premises covered by a liquor control license. A person shall
7 not possess or consume alcoholic liquors, wine, or beer on
8 public school property or while attending a public or private
9 school-related function. ~~A person shall not be intoxicated in~~
10 ~~a public place.~~ A person violating **this subsection** is guilty
11 of a simple misdemeanor.

12 Sec. 2. Section 123.46, subsections 3 and 4, Code 2016, are
13 amended by striking the subsections.

14 Sec. 3. Section 125.34, subsection 1, Code 2016, is amended
15 to read as follows:

16 1. A person with a substance-related disorder due to
17 intoxication or substance-induced incapacitation may come
18 voluntarily to a facility for emergency treatment. A person
19 who appears to be intoxicated or incapacitated by a substance
20 in a public place and in need of help may be taken to a facility
21 by a peace officer under **section 125.91**. ~~If the person refuses~~
22 ~~the proffered help, the person may be arrested and charged with~~
23 ~~intoxication under **section 123.46**, if applicable.~~

24 EXPLANATION

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

27 This bill repeals the criminal offenses of intoxication and
28 simulated intoxication in public under Code section 123.46.
29 The bill does not affect the remaining criminal offenses
30 relating to the public consumption of alcohol in Code section
31 123.46.

32 The criminal offenses repealed by the bill are simple
33 misdemeanors.