

FFB 1 1 2005
Place On Calendar

HOUSE FILE 275
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 73)

Passed House, Date 2-23-05 Passed Senate, Date 4-18-05
Vote: Ayes 99 Nays 0 Vote: Ayes 47 Nays 1
Re-passed
4-27-05 100-0 Approved 5/4/05

A BILL FOR

1 An Act relating to the purchase, possession, or consumption of
2 alcohol by a person under legal age, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 275

HOUSE FILE 275

S-3065

1 Amend House File 275, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 10 through 14, and
4 inserting the following: "~~two hundred dollars and the~~
5 ~~suspension of the person's motor vehicle operating~~
6 ~~privileges for a period not to exceed one year by a~~
7 scheduled fine under section 805.8C, subsection 7.
8 The court may,".
9 2. Page 1, line 29, by striking the word "two"
10 and inserting the following: "five".

COMMITTEE ON JUDICIARY
KEITH A. KREIMAN, CO-CHAIRPERSON
DAVID MILLER, CO-CHAIRPERSON

S-3065 FILED MARCH 29, 2005

1 Section 1. Section 123.47, subsection 3, Code 2005, is
2 amended to read as follows:

3 3. A person who is under legal age, other than a licensee
4 or permittee, who violates this section regarding the purchase
5 of or attempt to purchase alcoholic liquor, wine, or beer, or
6 possessing or having control of alcoholic liquor, wine, or
7 beer, commits a simple misdemeanor punishable ~~by a fine of one~~
8 ~~hundred dollars for the first offense. A second or subsequent~~
9 ~~offense shall be a simple misdemeanor punishable by a fine of~~
10 ~~two hundred dollars and the suspension of~~ as a scheduled fine
11 under section 805.8C, subsection 7. In addition to any other
12 penalty, if the violation is a second or subsequent offense,
13 the person's motor vehicle operating privileges shall be
14 suspended for a period not to exceed one year. The court may,
15 in its discretion, order the person who is under legal age to
16 perform community service work under section 909.3A, of an
17 equivalent value to the fine imposed under this section.
18 ~~However, if~~ If the person who commits ~~the~~ a violation of this
19 section is under the age of eighteen, the matter shall be
20 disposed of in the manner provided in chapter 232.

21 Sec. 2. Section 805.8C, Code 2005, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 7. ALCOHOL BEVERAGE VIOLATIONS BY PERSONS
24 UNDER LEGAL AGE. For violations of section 123.47, subsection
25 3, the scheduled fine is as follows:

26 a. If the violation is a first offense, the scheduled fine
27 is one hundred dollars.

28 b. If the violation is a second or subsequent offense, the
29 scheduled fine is two hundred dollars.

30 EXPLANATION

31 This bill relates to the purchase, possession, or
32 consumption of alcohol by a person under 21 years of age.

33 The bill changes the criminal violation under the bill from
34 a simple misdemeanor to a simple misdemeanor punishable as a
35 scheduled violation. However, the bill does not change the

1 fine amounts associated with a first or subsequent offense for
2 the purchase, possession, or consumption of alcohol by a
3 person under legal age. A second or subsequent offense
4 continues to carry with it a mandatory suspension of the
5 violator's driver's license for up to one year.

6 A scheduled violation is generally a simple misdemeanor
7 punishable by only a fine pursuant to Code section 805.11. A
8 person charged with a scheduled violation may enter a plea of
9 guilty without a formal court appearance. Persons under the
10 age of 18 who violate the bill's prohibitions remain subject
11 to juvenile court.

12 A simple misdemeanor is punishable by confinement for no
13 more than 30 days or a fine of at least \$50 but not more than
14 \$500 or by both.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 275 - Alcohol Purchases by Minors (LSB 1238 HV)
Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 275 relates to the purchase, possession, or consumption of alcohol by a person under legal age. The Bill changes the criminal violation from a simple misdemeanor to a simple misdemeanor to be punishable as a scheduled violation. The Bill does not change the fine amounts associated with first or subsequent offenses.

Assumptions

1. The law will become effective July 1, 2005.
2. In FY 2004, there were 6,208 minors age 18 to 20 convicted of possession of alcohol as a minor (first and second offenses).
3. Under current law, all cases may appear before a judge.
4. Making the simple misdemeanor a scheduled violation will reduce magistrate and clerk time as cases will not need to go before a judge.

Fiscal Impact

House File 275 will assist the Judicial Branch in cost containment efforts. The Bill is estimated to reduce clerk time by 67 minutes per case and reduce court time by 19 minutes per case. The savings in one year is estimated to be \$186,000.

Sources

Judicial Branch
Department of Human Rights, Criminal and Juvenile Justice Planning

/s/ Holly M. Lyons

February 15, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 164 - Energy Star Appliance Sales & Use Tax (LSB 1906 HH)
Analyst: Jeff Robinson (Phone: (515) 281-4614) (jeff.robinson@legis.state.ia.us)
Fiscal Note Version - New
Requested by Representative Paul Bell

Description

House File 164 exempts purchases of clothes washing machines, refrigerators, and dishwashers meeting Energy Star requirements from State and local option sales tax.

Energy Star is a program established by the Federal Environmental Protection Agency and Department of Energy. The program identifies appliances meeting certain energy efficiency standards.

Assumptions

1. The following table provides U.S. Energy Star sales and price estimates.

Appliance	U.S. Annual Sales (Unit)	Energy Star % of U.S. Sales	Average Energy Star Price
Clothes Washer	9,060,000	40.0%	\$ 625
Dishwasher	7,424,000	25.0%	525
Refrigerator	11,040,000	25.0%	1,100

2. Iowans purchase 0.95% of appliances sold in the United States.
3. The State sales/use tax rate is 5.00%.
4. Statewide, local option sales tax revenue equals 22.0% of total State sales tax revenue.

Fiscal Impact

The sales tax exemption contained in HF 164 would reduce net General Fund revenue by \$3.0 million per year and local option sales tax revenue by \$199,000 per year.

Sources

Association of Home Appliance Manufacturers
California Energy Star sales data

/s/ Holly M. Lyons

February 15, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 275

S-3091

1 Amend House File 275, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 3 through 20 and
4 inserting the following:

5 "3. a. A person who is under legal age, other
6 than a licensee or permittee, who violates this
7 section regarding the purchase of or attempt to
8 purchase alcoholic liquor, wine, or beer, or
9 possessing or having control of alcoholic liquor,
10 wine, or beer, commits the following:

11 (1) A simple misdemeanor punishable by a fine of
12 one hundred dollars for the first offense as a
13 scheduled violation under section 805.8C, subsection
14 7.

15 (2) A second or subsequent offense shall be a
16 simple misdemeanor punishable by a fine of two five
17 hundred dollars and the suspension of the person's
18 motor vehicle operating privileges for a period not to
19 exceed one year. In addition to any other applicable
20 penalty, the person in violation of this section shall
21 choose between either completing a substance abuse
22 evaluation or the suspension of the person's motor
23 vehicle operating privileges for a period not to
24 exceed one year.

25 (3) A third or subsequent offense shall be a
26 simple misdemeanor punishable by a fine of five
27 hundred dollars and the suspension of the person's
28 motor vehicle operating privileges for a period not to
29 exceed one year.

30 b. The court may, in its discretion, order the
31 person who is under legal age to perform community
32 service work under section 909.3A, of an equivalent
33 value to the fine imposed under this section.
34 ~~However, if~~

35 c. If the person who commits ~~the~~ a violation of
36 this section is under the age of eighteen, the matter
37 shall be disposed of in the manner provided in chapter
38 232."

39 2. Page 1, by striking lines 24 through 29 and
40 inserting the following: "UNDER LEGAL AGE. For first
41 offense violations of section 123.47, subsection 3,
42 the scheduled fine is two hundred dollars."

By KEITH A. KREIMAN

S-3091 FILED APRIL 6, 2005

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 275 - Alcohol Purchases by Minors (LSB 1238 HV.1)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version – As amended by S-3065

Description

House File 275, as amended by S-3065, relates to the purchase, possession, or consumption of alcohol by a person under legal age. The Bill changes the criminal violation from a simple misdemeanor to a simple misdemeanor to be punishable as a scheduled violation. Amendment S-3065 increases the scheduled fine violation for a second or subsequent offense from \$200 to \$500.

Assumptions

1. The law will become effective July 1, 2005.
2. A six month lag is assumed in FY 2006 before the first cases enter the justice system.
3. In FY 2004, there were 6,208 offenders age 18 to 20 convicted of possession of alcohol as a minor (first and second offenses). Of these offenders, 229 were convicted of a second or subsequent offenses and under S-3065 would now receive a \$500 fine.
4. The current three-year collection rate for the \$200 scheduled fine for the second or subsequent offense is 94.2%, which in FY 2004 resulted in \$43,144 in revenue. The three-year collection rate for the new \$500 scheduled fine for the second or subsequent offense in Amendment S-3065 is 71.2%.
5. Under current law, all cases may appear before a judge.
6. Making the simple misdemeanor a scheduled violation will reduce magistrate and clerk time as cases will not need to go before a judge.

Fiscal Impact

Senate Amendment S-3065 increases the second and subsequent fine from \$200 to \$500, which results in the following increased revenue: \$12,000 in FY 2006, \$34,000 in FY 2007, and \$41,000 in FY 2008 and on-going years.

House File 275, as amended by S-3065, will assist the Judicial Branch in cost containment efforts. The Bill is estimated to reduce clerk time by 67 minutes per case and reduce court time by 19 minutes per case. The savings in one year is estimated to be \$186,000.

Sources

Judicial Branch

Department of Human Rights, Criminal and Juvenile Justice Planning Division

/s/ Holly M. Lyons

April 6, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

SENATE AMENDMENT TO
HOUSE FILE 275

H-1397

1 Amend House File 275, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 3 through 20 and
4 inserting the following:

5 "3. a. A person who is under legal age, other
6 than a licensee or permittee, who violates this
7 section regarding the purchase of or attempt to
8 purchase alcoholic liquor, wine, or beer, or
9 possessing or having control of alcoholic liquor,
10 wine, or beer, commits a the following:

11 (1) A simple misdemeanor punishable by a fine of
12 one hundred dollars for the first offense as a
13 scheduled violation under section 805.8C, subsection
14 7.

15 (2) A second or subsequent offense shall be a
16 simple misdemeanor punishable by a fine of ~~two~~ five
17 hundred dollars and the suspension of the person's
18 motor vehicle operating privileges for a period not to
19 exceed one year. In addition to any other applicable
20 penalty, the person in violation of this section shall
21 choose between either completing a substance abuse
22 evaluation or the suspension of the person's motor
23 vehicle operating privileges for a period not to
24 exceed one year.

25 (3) A third or subsequent offense shall be a
26 simple misdemeanor punishable by a fine of five
27 hundred dollars and the suspension of the person's
28 motor vehicle operating privileges for a period not to
29 exceed one year.

30 b. The court may, in its discretion, order the
31 person who is under legal age to perform community
32 service work under section 909.3A, of an equivalent
33 value to the fine imposed under this section.
34 ~~However, if~~

35 c. If the person who commits ~~the~~ a violation of
36 this section is under the age of eighteen, the matter
37 shall be disposed of in the manner provided in chapter
38 232."

39 2. Page 1, by striking lines 24 through 29 and
40 inserting the following: "UNDER LEGAL AGE. For first
41 offense violations of section 123.47, subsection 3,
42 the scheduled fine is two hundred dollars."

RECEIVED FROM THE SENATE

H-1397 FILED APRIL 19, 2005

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 275 - Alcohol Purchases by Minors (LSB 1238 HV.2)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version – As Amended and Passed by the Senate

Description

House File 275, as amended and passed by the Senate, relates to the purchase, possession, or consumption of alcohol by a person ages 18 to 20. The Senate Amendment changes the criminal violation from a simple misdemeanor to a scheduled violation for the first offense with a fine amount of \$200. The Amendment also increases the simple misdemeanor fine for a second offense from \$200 to \$500. The person in violation of a second offense will also choose between completing a substance abuse evaluation or the suspension of the person's driver's license for no more than one year. The simple misdemeanor fine for a third or subsequent offense is \$500 and the suspension of the person's driver's license for one year.

Background

1. The law will become effective July 1, 2005.
2. In FY 2004, there were 6,198 offenders age 18 to 20 convicted of possession of alcohol as a minor. Of these offenders, 5,969 were convicted of a first offense and 229 were convicted of a second, third, or subsequent offense.
3. Under current law, the fine amount for a first offense is \$100 and the fine amount for a second and subsequent offense is \$200.
4. The current three-year collection rate for the \$100 fine for a first time offender is 88.5%, which resulted in \$528,000 in revenue.
5. The current three-year collection rate for the \$200 fine for the second or subsequent offense is 94.2%, which in FY 2004 resulted in \$43,000 in revenue.
6. Under current law, all cases may appear before a judge.

Assumptions

1. A six month lag is assumed in FY 2006 before the first cases enter the justice system.
2. Making the simple misdemeanor for the first offense a scheduled violation will reduce magistrate and clerk time as cases will not need to go before a judge.
3. Under HF 275 as amended by the Senate, the first offense for alcohol purchases by minors is a scheduled violation and the fine increases from \$100 to \$200. Under the Bill as amended, a second, third, and subsequent offender would still be guilty of a simple misdemeanor but the fine would increase from \$200 to \$500 with loss of their driver's license and/or a required substance abuse evaluation.
4. The three-year collection rate for the new \$200 scheduled violation fine for a first offense is an estimated 94.2%.
5. The three-year collection rate for the new \$500 scheduled fine for the second, third, and subsequent offenses is an estimated 71.2%.
6. House File 275 as amended assumes that half of the 229 second, third, or subsequent offenders or 115 offenders would result in additional trials and substance abuse evaluations. The average cost for a simple misdemeanor trial including magistrate or judge time, clerk of court time, court attendant, and court reporter time is \$14.45 per hour.
7. The average clerk of court time for the substance abuse evaluation monitoring is \$8.32 per hour.
8. The average cost of a jury trial is \$1,040. The defendant is entitled to a jury trial.

Fiscal Impact

The following chart reflects the revenue generated from HF 275 as amended by the Senate for FY 2006, FY 2007, and FY 2008 and on-going years:

Increased Revenue for HF 275 as amended by S-3091

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>
First Offense	<u>\$559,000</u>	<u>\$583,000</u>	<u>\$597,000</u>
Second, Third, or Subsequent Offense	<u>14,000</u>	<u>33,000</u>	<u>39,000</u>
	<u>\$573,000</u>	<u>\$616,000</u>	<u>\$636,000</u>

House File 275, as amended by the Senate, may result in additional trials because of the increased penalties for second, third, and subsequent offenses. The Clerks, Magistrates, and Judges may also see an increase in workload from monitoring substance abuse evaluations for compliance. The fiscal impact of additional workload is estimated to be minimal.

Sources

Judicial Branch
Department of Human Rights, Criminal and Juvenile Justice Planning Division

/s/ Holly M. Lyons

April 21, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

Hutter - ch
Heaton
Berry

SUC
SF 275

HSB 73
JUDICIARY

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the purchase, possession, or consumption of
2 alcohol by a person under legal age, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. _____

H.F. _____

Successed by
SF 11172

1 Section 1. Section 123.47, subsection 3, Code 2005, is
2 amended to read as follows:

3 3. A person who is under legal age, other than a licensee
4 or permittee, who violates this section regarding the purchase
5 of or attempt to purchase alcoholic liquor, wine, or beer, or
6 possessing or having control of alcoholic liquor, wine, or
7 beer, commits a simple misdemeanor punishable by a fine of one
8 hundred dollars for the first offense--A second or subsequent
9 offense shall be a simple misdemeanor punishable by a fine of
10 two hundred dollars and the suspension of as a scheduled fine
11 under section 805.8C, subsection 7. In addition to any other
12 penalty, if the violation is a second or subsequent offense,
13 the person's motor vehicle operating privileges shall be
14 suspended for a period not to exceed one year. The court may,
15 in its discretion, order the person who is under legal age to
16 perform community service work under section 909.3A, of an
17 equivalent value to the fine imposed under this section.
18 However, if If the person who commits the a violation of this
19 section is under the age of eighteen, the matter shall be
20 disposed of in the manner provided in chapter 232.

21 Sec. 2. Section 805.8C, Code 2005, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 7. ALCOHOL BEVERAGE VIOLATIONS BY PERSONS
24 UNDER LEGAL AGE. For violations of section 123.47, subsection
25 3, the scheduled fine is as follows:

26 a. If the violation is a first offense, the scheduled fine
27 is one hundred dollars.

28 b. If the violation is a second or subsequent offense, the
29 scheduled fine is two hundred dollars.

30 EXPLANATION

31 This bill relates to the purchase, possession, or
32 consumption of alcohol by a person under 21 years of age.

33 The bill changes the criminal violation under the bill from
34 a simple misdemeanor to a simple misdemeanor punishable as a
35 scheduled violation. However, the bill does not change the

1 fine amounts associated with a first or subsequent offense for
2 the purchase, possession, or consumption of alcohol by a
3 person under legal age. A second or subsequent offense
4 continues to carry with it a mandatory suspension of the
5 violator's driver's license for up to one year.

6 A scheduled violation is generally a simple misdemeanor
7 punishable by only a fine pursuant to Code section 805.11. A
8 person charged with a scheduled violation may enter a plea of
9 guilty without a formal court appearance. Persons under the
10 age of 18 who violate the bill's prohibitions remain subject
11 to juvenile court.

12 A simple misdemeanor is punishable by confinement for no
13 more than 30 days or a fine of at least \$50 but not more than
14 \$500 or by both.

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MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: JANUARY 11, 2005

RE: TLSB 1238DP

It is illegal for a person under 21 years of age to purchase alcohol. If the person charged with this crime is under age eighteen, the matter is subject to the jurisdiction of the juvenile court. For violators between ages 18 and 21 the crime is a simple misdemeanor. However, for these violators it is unclear whether or not a court appearance is required. This bill would specify that for individuals between ages 18 and 21 the illegal purchase of alcohol is a scheduled violation not requiring a court appearance. Labeling the violation as a scheduled violation would eliminate uncertainty, and therefore, save substantial time for clerks and judges.

HOUSE FILE 275

AN ACT

RELATING TO THE PURCHASE, POSSESSION, OR CONSUMPTION OF ALCOHOL BY A PERSON UNDER LEGAL AGE, AND PROVIDING A PENALTY.

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

Section 1. Section 123.47, subsection 3, Code 2005, is amended to read as follows:

3. a. A person who is under legal age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits a the following:

(1) A simple misdemeanor punishable by a fine of one hundred dollars for the first offense as a scheduled violation under section 805.8C, subsection 7.

(2) A second or subsequent offense shall be a simple misdemeanor punishable by a fine of two five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

(3) A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

b. The court may, in its discretion, order the person who is under legal age to perform community service work under

section 909.3A, of an equivalent value to the fine imposed under this section. ~~However, if~~

c. If the person who commits the a violation of this section is under the age of eighteen, the matter shall be disposed of in the manner provided in chapter 232.

Sec. 2. Section 805.8C, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 7. ALCOBOL BEVERAGE VIOLATIONS BY PERSONS UNDER LEGAL AGE. For first offense violations of section 123.47, subsection 3, the scheduled fine is two hundred dollars.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 275, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/4, 2005

THOMAS J. VILBACK
Governor