

FILED MAR 1 2005

SENATE FILE 241

BY BOLKCOM

JUDICIARY

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 21 years of age and increasing
3 fines.

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

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SF 241 JUDICIARY

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~~ as a scheduled violation under section 805.8C,
9 subsection 2A, for the first offense. A second or subsequent
10 offense shall be a simple misdemeanor punishable by a fine of
11 ~~two~~ three hundred fifty dollars and the suspension of the
12 person's motor vehicle operating privileges for a period not
13 to exceed one year. The court may, in its discretion, order
14 the person who is under legal age to perform community service
15 work under section 909.3A, of an equivalent value to the fine
16 imposed ~~under~~ for a violation of this section. However, if
17 the person who commits the violation of this section is under
18 the age of eighteen, the matter shall be disposed of in the
19 manner provided in chapter 232.

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

22 NEW SUBSECTION. 2A. ALCOHOLIC BEVERAGE VIOLATIONS BY
23 PERSONS UNDER LEGAL AGE. For violations of section 123.47,
24 subsection 3, the scheduled fine is two hundred fifty dollars
25 for the first offense.

26 EXPLANATION

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

29 The bill changes the first offense violation for
30 purchasing, possessing, or consuming alcohol under legal age
31 from a simple misdemeanor to a simple misdemeanor punishable
32 as a scheduled violation, and changes the fine amount from
33 \$100 to \$250.

34 Under the bill, a second or subsequent violation remains a
35 simple misdemeanor, but the bill changes the fine amount from

1 \$200 to \$350. A second or subsequent violation continues to
2 carry with it a mandatory suspension of the violator's
3 driver's license for up to one year.

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

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

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