

HOUSE BILL No. 1093

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5.

Synopsis: Mail order sale of alcoholic beverages. Reclassifies the violation of certain alcoholic beverage laws relating to the sale, transport, or possession of untaxed beverages as Class D felonies. (Current law provides that such violations are Class C misdemeanors.) Makes it unlawful for a person engaged in the business of selling alcoholic beverages to ship an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler's permit. Makes it unlawful for a common carrier to deliver an alcoholic beverage to a minor.

Effective: July 1, 1998.

Alderman

January 6, 1998, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Whereas, the direct shipment of alcoholic beverages by persons in the business of selling alcoholic beverages in other states or countries to residents of Indiana in violation of IC 7.1 poses a serious threat to the public health, safety, revenue, and the economy of Indiana;

Whereas, the present penalties for illegal direct shipments of alcoholic beverages to residents of Indiana are inadequate to ensure compliance with the provisions of IC 7.1; and

Whereas, the measures provided in this act are fully consistent with the powers conferred upon the state of Indiana by the Twenty-first Amendment to the Constitution of the United States: Therefore,

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-5-1-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. Felony Penalty. A
3 person who knowingly violates **IC 7.1-5-4-1**, IC 7.1-5-4-3,
4 IC 7.1-5-4-6, ~~or IC 7.1-5-6-4~~, **IC 7.1-5-10-4**, **IC 7.1-5-10-5**,
5 **IC 7.1-5-11-1.5**, **IC 7.1-5-11-4**, ~~or IC 7.1-5-11-5~~ commits a Class D
6 felony.

7 SECTION 2. IC 7.1-5-4-1 IS AMENDED TO READ AS

1998

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1 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. Possession of
 2 Untaxed Beverages Prohibited. It is a Class ~~C misdemeanor~~ **D felony**
 3 for a person to sell, barter, give away, or possess, an alcoholic
 4 beverage, knowing that all taxes due the state on it are not paid.

5 SECTION 3. IC 7.1-5-11-1.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 1998]: **Sec. 1.5. (a) It is unlawful for a person**
 8 **in the business of selling alcoholic beverages in another state or**
 9 **country to ship or cause to be shipped an alcoholic beverage**
 10 **directly to an Indiana resident who does not hold a valid**
 11 **wholesaler permit under this title.**

12 (b) Upon a determination by the commission that a person has
 13 violated subsection (a), a wholesaler may not accept a shipment of
 14 alcoholic beverages from the person for not more than one (1) year.

15 (c) The commission shall adopt rules under IC 4-22-2 to
 16 implement this section.

17 SECTION 4. IC 7.1-5-11-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. Deliveries Limited.
 19 It is unlawful for an officer, agent, or employee of a railroad company,
 20 express company, or other common carrier to recklessly deliver (†) an
 21 alcoholic beverage:

- 22 (1) to a person other than the person to whom it is consigned;
 23 (2) it without a written order by the consignee; ~~or~~
 24 (3) it to a person when the alcoholic beverage has been consigned
 25 to a fictitious person or a person under a fictitious name; ~~or~~
 26 (4) to a minor.

