

HOUSE BILL No. 1242

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-7-5.1; IC 7.1-5-7-8.

Synopsis: Alcohol offenses by minors. Removes certain defenses allowed to a permit holder who has been charged with unlawfully furnishing an alcoholic beverage to a minor. Makes it a Class B misdemeanor instead of a Class C misdemeanor for a person to recklessly sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor.

Effective: July 1, 1998.

V. Smith

January 13, 1998, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

C
O
P
Y



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.

HOUSE BILL No. 1242

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

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

1 SECTION 1. IC 7.1-5-7-5.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5.1. (a) A permittee in
3 a criminal prosecution or in a proceeding before the commission or a
4 local board based upon a charge of unlawfully furnishing an alcoholic
5 beverage to a minor may offer ~~either or both of the following proofs~~ as
6 a defense ~~or defenses~~ to the prosecution or proceeding ~~(†)~~ **the proof**
7 that ~~(A)~~ the purchaser:
8 (i) **(1)** falsely represented the purchaser's age in a written
9 statement, such as that prescribed by subsection (b), supported
10 by two (2) forms of identification showing the purchaser to be at
11 least twenty-one (21) years of age;
12 (ii) **(2)** produced a driver's license bearing the purchaser's
13 photograph **that showed that the purchaser was of legal age**
14 **to make the purchase;** or
15 (iii) **(3)** produced a photographic identification card, issued
16 under IC 9-24-16-1 or a similar card, issued under the laws of
17 another state or the federal government, showing that the



C
O
P
Y

- 1 purchaser was of legal age to make the purchase.
- 2 (B) the appearance of the purchaser was such that an
- 3 ordinary prudent person would believe the purchaser to be
- 4 of legal age to make the purchase; and
- 5 (C) the sale was made in good faith based upon the
- 6 reasonable belief that the purchaser was actually of legal
- 7 age to make the purchase.
- 8 (2) That the permittee or his agent had taken all reasonable
- 9 precautions in instructing his employees, in hiring his
- 10 employees, and in supervising them as to sale of alcoholic
- 11 beverages to minors.

12 (b) The following written statement is sufficient for the purposes
 13 of subsection ~~(a)(1)(A)(i)~~: **(a)(1)**:

14 REPRESENTATION AND STATEMENT
 15 OF AGE
 16 FOR PURCHASE OF ALCOHOLIC
 17 BEVERAGES

18 I understand that misrepresentation of age to induce the sale,
 19 service, or delivery of alcoholic beverages to me is cause for my arrest
 20 and prosecution, which can result in punishment as follows:

- 21 (1) Possible payment of a fine of up to \$500.
- 22 (2) Possible imprisonment for up to 60 days.
- 23 (3) Possible loss or deferment of driver's license privileges for up
- 24 to one year.
- 25 (4) Possible requirement to participate in an alcohol education
- 26 or treatment program.

27 Knowing the possible penalties for misstatement, I hereby
 28 represent and state, for the purpose of inducing

29 _____
 30 (Name of licensee)

31 to sell, serve, or deliver alcoholic beverages to me, that I was born:

32 _____, _____, _____ and am _____ years of age.

33 (Month) (Day) (Year)

34 Date _____ Signed _____

35 Address _____

36 _____
 37
 38 Other Identification Signature of person
 39 Presented: who witnessed completion
 40 Nonphoto driver's of this statement
 41 license: (number & state) by patron:
 42 _____



C
O
P
Y

1 Social Security Number

2 _____

3 Other _____

4 _____

5 _____

6 SECTION 2. IC 7.1-5-7-8 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) It is a ~~Class C~~
8 **Class B** misdemeanor for a person to recklessly sell, barter, exchange,
9 provide, or furnish an alcoholic beverage to a minor.

10 (b) This section shall not be construed to impose civil liability
11 upon any educational institution of higher learning, including but not
12 limited to public and private universities and colleges, business
13 schools, vocational schools, and schools for continuing education, or
14 its agents for injury to any person or property sustained in consequence
15 of a violation of this section unless such institution or its agent sells,
16 barter, exchanges, provides, or furnishes an alcoholic beverage to a
17 minor.

C
o
p
y

