

# SENATE BILL No. 348

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-2-3-33; IC 7.1-2-3-34.

**Synopsis:** Alcohol sale compliance checks. Provides that, with certain restrictions, a law enforcement officer having full police powers may engage the participation of a minor as part of an action to enforce alcoholic beverage laws. Requires the alcoholic beverage commission to conduct a number of random, unannounced compliance checks of retail permittees for violations of the alcoholic beverage laws concerning minors.

**Effective:** July 1, 1999.

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January 8, 1999, read first time and referred to Committee on Public Policy.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## SENATE BILL No. 348



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 7.1-2-3-33 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 1999]: **Sec. 33. (a) As used in this section, "enforcement action"**
- 4 **refers to a law enforcement action to enforce laws under this title.**
- 5 **(b) As used in this section, "law enforcement officer" refers to**
- 6 **a law enforcement officer having full police powers.**
- 7 **(c) A law enforcement officer may engage the participation of**
- 8 **a minor as part of an enforcement action if a purchase or receipt**
- 9 **of an alcoholic beverage by the minor occurs under the direction**
- 10 **of a law enforcement officer.**
- 11 **(d) A law enforcement officer may not do the following:**
- 12 **(1) At the scene of a violation of this article, recruit or attempt**
- 13 **to recruit a minor to participate in an enforcement action.**
- 14 **(2) Allow a minor to purchase or receive an alcoholic**
- 15 **beverage as part of an enforcement action without the written**
- 16 **permission of the minor's parent or legal guardian.**
- 17 SECTION 2. IC 7.1-2-3-34 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 2 1, 1999]: **Sec. 34. (a) As used in this section, "compliance check"**  
 3 **refers to a random, unannounced visit to a premises to monitor the**  
 4 **permit holder's compliance with IC 7.1-5-7 and other provisions of**  
 5 **this article concerning minors.**  
 6 **(b) The commission shall do the following:**  
 7 **(1) Conduct a sufficient number of compliance checks so that**  
 8 **at least fifty percent (50%) of all retail permittees annually**  
 9 **receive a compliance check.**  
 10 **(2) Use law enforcement personnel to conduct compliance**  
 11 **checks.**  
 12 **(3) Enforce all violations found during compliance checks in**  
 13 **the manner provided by law.**  
 14 **(4) When a violation is found at an initial annual compliance**  
 15 **check, revisit the premises within ninety (90) days after the**  
 16 **initial annual compliance check.**  
 17 **(c) A compliance check under this section is in addition to all**  
 18 **other methods of enforcing this title and is not a replacement for**  
 19 **any other enforcement method.**

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