



February 9, 1999

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## SENATE BILL No. 348

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DIGEST OF SB 348 (Updated February 2, 1999 1:48 pm - DI 71)

**Citations Affected:** IC 7.1-2.

**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 who is at least 18 years of age as part of an action to enforce alcoholic beverage laws. Allows the alcoholic beverage commission to conduct unannounced compliance checks of retail permittees for violations of the alcoholic beverage laws concerning minors.

**Effective:** July 1, 1999.

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**Gard, Wyss, Alexa**

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January 11, 1999, read first time and referred to Committee on Public Policy.  
February 8, 1999, amended, reported favorably — Do Pass.

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SB 348—LS 7015/DI 2+



February 9, 1999

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

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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 unless the minor is**  
16 **at least eighteen (18) years of age.**  
17 SECTION 2. IC 7.1-2-3-34 IS ADDED TO THE INDIANA CODE

SB 348—LS 7015/DI 2+



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 an unannounced visit to a premises to monitor the permit**  
4 **holder's compliance with IC 7.1-5-7 and other provisions of this**  
5 **article concerning minors.**  
6 **(b) The commission shall do the following:**  
7 **(1) Use law enforcement personnel to conduct compliance**  
8 **checks.**  
9 **(2) Enforce all violations found during compliance checks in**  
10 **the manner provided by law.**  
11 **(3) When a violation is found at an initial compliance check,**  
12 **revisit the premises within ninety (90) days after the initial**  
13 **compliance check.**  
14 **(c) A compliance check under this section is in addition to all**  
15 **other methods of enforcing this title and is not a replacement for**  
16 **any other enforcement method.**

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SENATE MOTION

Mr. President: I move that Senators Wyss and Alexa be added as coauthors of Senate Bill 348.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 348, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 15, delete "without the written" and insert "**unless the minor is at least eighteen (18) years of age.**".

Page 1, delete line 16.

Page 2, line 3, delete "a random," and insert "**an**".

Page 2, delete lines 7 through 9.

Page 2, line 10, delete "(2)" and insert "**(1)**".

Page 2, line 12, delete "(3)" and insert "**(2)**".

Page 2, line 14, delete "(4)" and insert "**(3)**".

Page 2, line 14, delete "annual".

Page 2, line 16, delete "annual".

and when so amended that said bill do pass.

(Reference is to SB 348 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 6, Nays 4.

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