

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 119 be amended to read as follows:

- 1 Page 2, after line 14, begin a new paragraph and insert:
2 "SECTION 2. IC 7.1-5-7-5.1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5.1. (a) A permittee in
4 a criminal prosecution or in a proceeding before the commission or a
5 local board based upon a charge of unlawfully furnishing an alcoholic
6 beverage to a minor may offer either or both of the following proofs as
7 a defense or defenses to the prosecution or proceeding:
8 (1) That:
9 (A) the purchaser:
10 (i) falsely represented the purchaser's age in a written
11 statement, such as that prescribed by subsection (b),
12 supported by two (2) forms of identification showing the
13 purchaser to be at least twenty-one (21) years of age;
14 (ii) produced a driver's license bearing the purchaser's
15 photograph; ~~or~~
16 (iii) produced a photographic identification card, issued
17 under IC 9-24-16-1 or a similar card, issued under the laws
18 of another state or the federal government, showing that the
19 purchaser was of legal age to make the purchase; ~~or~~
20 **(iv) produced a government issued document bearing the**
21 **purchaser's photograph and showing the purchaser to be**
22 **at least twenty-one (21) years of age;**
23 (B) the appearance of the purchaser was such that an ordinary
24 prudent person would believe the purchaser to be of legal age
25 to make the purchase; and
26 (C) the sale was made in good faith based upon the reasonable
27 belief that the purchaser was actually of legal age to make the
28 purchase.
29 (2) That the permittee or ~~his~~ **the permittee's** agent had taken all
30 reasonable precautions in instructing ~~his~~ **the permittee's**
31 employees, in hiring ~~his~~ **the permittee's** employees, and in

1 supervising them as to sale of alcoholic beverages to minors.
2 (b) The following written statement is sufficient for the purposes of
3 subsection (a)(1)(A)(i):

4 REPRESENTATION AND STATEMENT
5 OF AGE
6 FOR PURCHASE OF ALCOHOLIC
7 BEVERAGES

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

- 11 (1) Possible payment of a fine of up to \$500.
- 12 (2) Possible imprisonment for up to 60 days.
- 13 (3) Possible loss or deferment of driver's license privileges for up
14 to one year.
- 15 (4) Possible requirement to participate in an alcohol education or
16 treatment program.

17 Knowing the possible penalties for misstatement, I hereby represent
18 and state, for the purpose of inducing _____

19 _____ (Name of licensee)

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

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

22 (Month) (Day) (Year)

23 Date _____ Signed _____

24 Address _____

25 _____

26 Other Identification	Signature of person
27 Presented:	who witnessed completion
28 Nonphoto driver's	of this statement
29 license: (number & state)	by patron:

30 _____

31 Social Security Number _____

32 _____

33 Other _____

34 _____

35 _____

36 SECTION 3. IC 7.1-5-10-23 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2010]: **Sec. 23. (a) It is a Class B misdemeanor for a permittee or
39 an employee or agent of a permittee to recklessly, knowingly, or
40 intentionally sell, barter, exchange, provide, or furnish another
41 person an alcoholic beverage for consumption off the licensed
42 premises without first requiring the person to produce:**

- 43 (1) a driver's license;
- 44 (2) an identification card issued under IC 9-24-16-1 or a
45 similar card issued under the laws of another state or the
46 federal government; or
- 47 (3) a government issued document;

1 bearing the person's photograph and birth date showing that the
2 person is at least twenty-one (21) years of age.

3 (b) In a criminal or administrative proceeding, it is a defense to
4 a charge under this section that the individual to whom the
5 permittee or employee or agent of the permittee sold, bartered,
6 exchanged, provided, or furnished alcoholic beverages for
7 consumption off the licensed premises was or reasonably appeared
8 to be more than fifty (50) years of age.

9 (c) A permittee who sells alcoholic beverages for consumption
10 off the licensed premises shall post on the permittee's premises, in
11 a location plainly visible to consumers, a sign:

12 (1) that is at least eight and one-half (8 1/2) inches by eleven

13 (11) inches; and

14 (2) that sets forth the following language in at least 20 point
15 type: **STATE LAW REQUIRES IDENTIFICATION FOR**
16 **SALES OF ALCOHOLIC BEVERAGES FOR CARRYOUT.**

17 (d) The commission may charge a fee for a sign that meets the
18 requirements of subsection (c) and that is prepared by the
19 commission. However, the fee charged for a sign under this
20 subsection may not exceed the cost of preparing the sign."

(Reference is to SB 119 as printed January 29, 2010.)

Senator ALTING