
SENATE BILL No. 422

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5.

Synopsis: Requiring identification for alcohol purchases. Makes it a Class B misdemeanor for an alcoholic beverage permittee or an employee or agent of the permittee to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person who, in the opinion of the permittee or the employee or agent of the permittee, appears to be less than twenty-seven (27) years of age, an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce certain proof that the person is 21 years of age. (Current law makes it a Class B misdemeanor for an alcoholic beverage permittee or an employee or agent of the permittee recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce certain proof that the person is 21 years of age.) Provides that the driver's license, government issued identification card, or government issued document may be expired or unexpired. Provides that it is a defense to a charge of unlawfully furnishing an alcoholic beverage to a minor that the person who purchased the alcoholic beverage produced an expired or unexpired driver's license, government issued identification card, or government issued document. (Current law does not specify whether the driver's license, government issued identification card, or government issued document may be expired for the permittee to offer the defense.)

Effective: July 1, 2011.

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January 12, 2011, read first time and referred to Committee on Public Policy.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 422



A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

1 SECTION 1. IC 7.1-5-7-5.1, AS AMENDED BY P.L.10-2010,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 5.1. (a) A permittee in a criminal prosecution or
4 in a proceeding before the commission or a local board based upon a
5 charge of unlawfully furnishing an alcoholic beverage to a minor may
6 offer either or both of the following proofs as a defense or defenses to
7 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; **or**
14 (ii)
15 **(B) the purchaser produced a an expired or unexpired:**
16 **(i) driver's license bearing the purchaser's photograph;**
17 **(iii) produced a (ii) photographic identification card, issued**



1 under IC 9-24-16-1 or a similar card, issued under the laws
 2 of another state or the federal government, showing that the
 3 purchaser was of legal age to make the purchase; or
 4 ~~(iv) produced a~~ **(iii)** government issued document bearing
 5 the purchaser's photograph and showing the purchaser to be
 6 at least twenty-one (21) years of age;
 7 ~~(B)~~ **(C)** the appearance of the purchaser was such that an
 8 ordinary prudent person would believe the purchaser to be of
 9 legal age to make the purchase; and
 10 ~~(E)~~ **(D)** the sale was made in good faith based upon the
 11 reasonable belief that the purchaser was actually of legal age
 12 to make the purchase.
 13 (2) That the permittee or the permittee's agent had taken all
 14 reasonable precautions in instructing the permittee's employees,
 15 in hiring the permittee's employees, and in supervising them as to
 16 sale of alcoholic beverages to minors.

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

19 REPRESENTATION AND STATEMENT
 20 OF AGE
 21 FOR PURCHASE OF ALCOHOLIC
 22 BEVERAGES

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

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

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

(Name of licensee)

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

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

37 (Month) (Day) (Year)

38 Date _____ Signed _____

39 Address _____

40 _____
 41 Other Identification Signature of person
 42 Presented: who witnessed completion

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1 Nonphoto driver's of this statement
 2 license: (number & state) by patron:
 3 _____
 4 Social Security Number _____
 5 _____
 6 Other _____
 7 _____
 8 _____

9 SECTION 2. IC 7.1-5-10-23, AS ADDED BY P.L.10-2010,
 10 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 23. ~~(a)~~ It is a Class B misdemeanor for a permittee
 12 or an employee or agent of a permittee to recklessly, knowingly, or
 13 intentionally sell, barter, exchange, provide, or furnish another person
 14 **who, in the opinion of the permittee or the employee or agent of the**
 15 **permittee, appears to be less than twenty-seven (27) years of age,**
 16 an alcoholic beverage for consumption off the licensed premises
 17 without first requiring the person to produce **an expired or unexpired:**
 18 (1) ~~a~~ driver's license;
 19 (2) ~~an~~ identification card issued under IC 9-24-16-1 or a similar
 20 card issued under the laws of another state or the federal
 21 government; or
 22 (3) ~~a~~ government issued document;
 23 bearing the person's photograph and birth date showing that the person
 24 is at least twenty-one (21) years of age.
 25 ~~(b) In a criminal or administrative proceeding, it is a defense to a~~
 26 ~~charge under this section that the individual to whom the permittee or~~
 27 ~~employee or agent of the permittee sold, bartered, exchanged, provided,~~
 28 ~~or furnished alcoholic beverages for consumption off the licensed~~
 29 ~~premises was or reasonably appeared to be more than fifty (50) years~~
 30 ~~of age.~~

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