

House Bill 2149

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Attorney General's Underage Drinking Task Force)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that court may order person who violates prohibition on minor possessing alcoholic beverages, or certain other prohibitions related to minors and alcoholic beverages, to undergo assessment and treatment without regard to age of offender. Requires court to order assessment and treatment for subsequent violation.

A BILL FOR AN ACT

1 Relating to penalties for violation of laws governing alcoholic beverages; amending ORS 471.430.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 471.430 is amended to read:

4 471.430. (1) [No] **A** person under the age of 21 years [shall] **may not** attempt to purchase, pur-
5 chase or acquire alcoholic [liquor] **beverages**. Except when such minor is in a private residence
6 accompanied by the parent or guardian of the minor and with such parent's or guardian's consent,
7 [no] **a** person under the age of 21 years [shall] **may not** have personal possession of alcoholic
8 [liquor] **beverages**.

9 (2) For the purposes of this section, personal possession of alcoholic [liquor] **beverages** includes
10 the acceptance or consumption of a bottle of such [liquor] **beverages**, or any portion thereof or a
11 drink of such [liquor] **beverages**. However, this section does not prohibit the acceptance or con-
12 sumption by any person of sacramental wine as part of a religious rite or service.

13 (3) Except as authorized by rule or as necessitated in an emergency, [no] **a** person under the
14 age of 21 years [shall] **may not** enter or attempt to enter any portion of a licensed premises that
15 is posted or otherwise identified as being prohibited to the use of minors.

16 (4) [Any] **A** person who violates subsection (1) or (3) of this section commits a Class B violation.

17 (5) In addition to and not in lieu of any other penalty established by law, a person under the
18 age of 21 years who violates subsection (1) of this section through misrepresentation of age may be
19 required to perform community service and the court shall order that the person's driving privileges
20 and right to apply for driving privileges be suspended for a period not to exceed one year. If a court
21 has issued an order denying driving privileges under this section, the court, upon petition of the
22 person, may withdraw the order at any time the court deems appropriate. The court notification to
23 the Department of Transportation under this subsection may include a recommendation that the
24 person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the
25 permit.

26 [(6) In addition to and not in lieu of any penalty established by law, the court:]

27 [(a) Shall order a person who is at least 18 years of age and not more than 21 years of age, who
28 is convicted of violation of this section and who has been convicted of violation of this section at least
29 once before when the person was at least 18 years of age, to undergo assessment and treatment as
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NOTE: Matter in **boldfaced** type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in **boldfaced** type.

1 *provided in ORS 471.432.]*

2 *[(b) May order a person who is at least 18 years of age and not more than 21 years of age and*
3 *who is convicted of violation of this section to undergo assessment and treatment as provided in ORS*
4 *471.432.]*

5 **(6) In addition to and not in lieu of any penalty established by law, the court may order**
6 **a person who violates this section to undergo assessment and treatment as provided in ORS**
7 **471.432. The court shall order a person to undergo assessment and treatment as provided in**
8 **ORS 471.432 if the person has previously been found to have violated this section.**

9 (7) The prohibitions of this section do not apply to a person under the age of 21 years who is
10 acting under the direction of the Oregon Liquor Control Commission or under the direction of state
11 or local law enforcement agencies for the purpose of investigating possible violations of laws pro-
12 hibiting sales of alcoholic beverages to persons who are under the age of 21 years.

13 (8) The prohibitions of this section do not apply to a person under the age of 21 years who is
14 acting under the direction of a licensee for the purpose of investigating possible violations by em-
15 ployees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under the
16 age of 21 years.

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