

House Bill 2766

Sponsored by Representative LIM; Representatives ESQUIVEL, KRIEGER, OLSON

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**.

Adjusts fines for minors who attempt to purchase, purchase or acquire alcoholic liquor, and for minors who enter or attempt to enter prohibited portion of premises licensed by Oregon Liquor Control Commission. Imposes mandatory minimum fine of \$350 for first conviction and \$1,000 for second or subsequent conviction.

A BILL FOR AN ACT

1
2 Relating to alcoholic beverages; amending ORS 471.430.

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

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

5 471.430. (1) No person under the age of 21 years shall attempt to purchase, purchase or acquire
6 alcoholic liquor. Except when such minor is in a private residence accompanied by the parent or
7 guardian of the minor and with such parent's or guardian's consent, no person under the age of 21
8 years shall have personal possession of alcoholic liquor.

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

13 (3) Except as authorized by rule or as necessitated in an emergency, no person under the age
14 of 21 years shall enter or attempt to enter any portion of a licensed premises that is posted or
15 otherwise identified as being prohibited to the use of minors.

16 (4) Any person who violates subsection (1) or (3) of this section commits a [*Class B*] violation.
17 **Upon violation of subsection (1) or (3) of this section, the court shall impose at least a**
18 **mandatory minimum sentence as follows:**

19 **(a) Upon a first conviction, a fine of \$350.**

20 **(b) Upon a second or subsequent conviction, a fine of \$1,000.**

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

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

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 (a) Shall order a person who is at least 18 years of age and not more than 21 years of age, who
2 is convicted of violation of this section and who has been convicted of violation of this section at
3 least once before when the person was at least 18 years of age, to undergo assessment and treatment
4 as provided in ORS 471.432.

5 (b) May order a person who is at least 18 years of age and not more than 21 years of age and
6 who is convicted of violation of this section to undergo assessment and treatment as provided in
7 ORS 471.432.

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

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

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