

Enrolled
Senate Bill 225

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Attorney General's Underage Drinking Task Force)

CHAPTER

AN ACT

Relating to alcohol-related offenses by persons under 21 years of age; creating new provisions; and amending ORS 471.430 and 809.260.

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

SECTION 1. ORS 471.430 is amended to read:

471.430. (1) A person under [*the age of*] 21 years **of age** may not attempt to purchase, purchase or acquire alcoholic beverages. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardian's consent, a person under [*the age of*] 21 years **of age** may not have personal possession of alcoholic beverages.

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

(3) Except as authorized by rule or as necessitated in an emergency, a person under [*the age of*] 21 years **of age** may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.

(4)(a) Except as provided in paragraph (b) of this subsection, a person who violates subsection (1) or (3) of this section commits a Class B violation.

(b) A person commits a Class A violation if the person violates subsection (1) of this section by reason of personal possession of alcoholic beverages while the person is operating a motor vehicle, as defined in ORS 801.360.

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

(6) If a person cited under this section is at least 13 years of age but less than 21 years of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure

to appear, in addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to the department for the department to suspend the person's driving privileges under ORS 809.280 (5).

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

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

[(8)] (9) The prohibitions of this section do not apply to a person under [*the age of*] 21 years **of age** who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under [*the age of*] 21 years **of age**.

SECTION 2. ORS 809.260 is amended to read:

809.260. (1) Whenever a person who is 17 years of age or younger, but not younger than 13 years of age, is convicted of any offense described in this subsection or determined by a juvenile court to have committed one of the described offenses, the court in which the person is convicted shall prepare and send to the Department of Transportation, within 24 hours of the conviction or determination, an order of denial of driving privileges for the person so convicted. This subsection applies to ORS 166.370 and to any offense involving the delivery, manufacture or possession of controlled substances.

(2) Whenever a person who is 20 years of age or younger, but not younger than 13 years of age, **at the time of committing any offense described in this subsection**, is convicted [*of any offense described in this subsection*] or determined by a juvenile court to have committed one of the described offenses, the court in which the person is convicted shall prepare and send to the Department of Transportation, within 24 hours of the conviction or determination, an order of denial of driving privileges for the person so convicted. This subsection applies to any offense involving the possession, use or abuse of alcohol.

(3) If a court has issued an order of denial of driving privileges under this section, the court, upon petition of the person, may review the order and may withdraw the order at any time the court deems appropriate except as provided in the following:

(a) A court may not withdraw an order for a period of 90 days following the issuance of the order if it is the first such order issued with respect to the person.

(b) A court may not withdraw an order for a period of one year following the issuance of the order if it is the second or subsequent such order issued with respect to the person.

(c) Notwithstanding paragraph (a) of this subsection, a court may not withdraw an order for a period of six months if the order is based on a determination or conviction involving controlled substances.

(4) Upon receipt of an order under this section, the department shall take action as directed under ORS 809.280.

SECTION 3. (1) The amendments to ORS 471.430 by section 1 of this 2009 Act apply to persons issued citations for violations of ORS 471.430 that occur on or after the effective date of this 2009 Act.

(2) The amendments to ORS 809.260 by section 2 of this 2009 Act apply to convictions or determinations for offenses committed on or after the effective date of this 2009 Act.

Passed by Senate April 28, 2009

.....
Secretary of Senate

.....
President of Senate

Passed by House May 20, 2009

.....
Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2009

.....
Secretary of State