

Senate Bill 225

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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**.

Requires juvenile court to schedule trial or hearing if person at least 13 years of age and less than 21 years of age receives second citation for attempting to purchase alcohol or for purchasing, acquiring or personally possessing alcohol. Revises language to insert references to existing driving privilege suspension requirements.

A BILL FOR AN ACT

1
2 Relating to alcohol-related offenses by persons under 21 years of age; creating new provisions; and
3 amending ORS 471.190 and 471.430.

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

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

6 471.430. (1) **As used in this section, "personal possession":**

7 (a) **Except as provided in paragraph (b) of this subsection, includes the acceptance or**
8 **consumption of a drink of alcoholic beverages or all or part of a bottle of alcoholic beverages.**

9 (b) **Does not include the acceptance or consumption of sacramental wine as part of a**
10 **religious rite or service.**

11 [(1)] (2) A person under [*the age of*] 21 years **of age** may not attempt to purchase, purchase or
12 acquire alcoholic beverages. [*Except when such minor is in a private residence accompanied by the*
13 *parent or guardian of the minor and with such parent's or guardian's consent, a person under the age*
14 *of 21 years may not have personal possession of alcoholic beverages.*]

15 [(2)] *For the purposes of this section, personal possession of alcoholic beverages includes the ac-*
16 *ceptance or consumption of a bottle of such beverages, or any portion thereof or a drink of such*
17 *beverages. However, this section does not prohibit the acceptance or consumption by any person of*
18 *sacramental wine as part of a religious rite or service.*]

19 (3) **A person under 21 years of age may not have personal possession of alcoholic**
20 **beverages unless:**

21 (a) **The person is in a private residence;**

22 (b) **The person is accompanied by a parent or guardian of the person; and**

23 (c) **The parent or guardian consents to the person having personal possession of the**
24 **beverages.**

25 [(3)] (4) Except as authorized by rule or as necessitated in an emergency, a person under [*the*
26 *age of*] 21 years **of age** may not enter or attempt to enter any portion of a licensed premises that
27 is posted or otherwise identified as being prohibited to the use of minors.

28 [(4)(a)] (5)(a) Except as provided in paragraph (b) of this subsection, a person who violates
29 [*subsection (1) or (3)*] **a provision of subsections (2) to (4)** of this section commits a Class B vio-

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 lation.

2 (b) A person commits a Class A violation if the person violates subsection [(1)] **(3)** of this section
3 by reason of personal possession of alcoholic beverages while the person is operating a motor ve-
4 hicle, as defined in ORS 801.360.

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

13 **(6) If a person is at least 13 years of age but less than 21 years of age at the time the**
14 **person is convicted under this section, in addition to and not in lieu of any other penalty, the**
15 **court shall send an order under ORS 809.260 (2) to the Department of Transportation for the**
16 **department to deny the person driving privileges for the period described in ORS 809.280 (7).**

17 **(7) If a person cited under this section is at least 13 years of age but less than 21 years**
18 **of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure**
19 **to appear, in addition to and not in lieu of any other penalty, the court shall send an order**
20 **under ORS 809.220 (2) to the department for the department to deny the person driving**
21 **privileges under ORS 809.280 (5).**

22 **(8) In addition to and not in lieu of any other penalty established by law, a person who**
23 **violates subsection (2) of this section through misrepresentation of age may be required to**
24 **perform community service.**

25 [(6)] **(9)** In addition to and not in lieu of any penalty established by law, the court may order a
26 person who violates this section to undergo assessment and treatment as provided in ORS 471.432.
27 The court shall order a person to undergo assessment and treatment as provided in ORS 471.432 if
28 the person has previously been found to have violated this section.

29 **(10) If a person at least 13 years of age is issued a second or subsequent citation for vi-**
30 **olating subsection (2) or (3) of this section, regardless of the disposition of the first citation,**
31 **the juvenile court shall set the matter for trial or hearing.**

32 [(7)] **(11)** The prohibitions of this section do not apply to a person under [*the age of*] 21 years
33 **of age** who is acting under the direction of the Oregon Liquor Control Commission or under the
34 direction of state or local law enforcement agencies for the purpose of investigating possible vio-
35 lations of laws prohibiting sales of alcoholic beverages to persons who are under [*the age of*] 21
36 years **of age**.

37 [(8)] **(12)** The prohibitions of this section do not apply to a person under [*the age of*] 21 years
38 **of age** who is acting under the direction of a licensee for the purpose of investigating possible vio-
39 lations by employees of the licensee of laws prohibiting sales of alcoholic beverages to persons who
40 are under [*the age of*] 21 years **of age**.

41 **SECTION 2.** ORS 471.190 is amended to read:

42 471.190. (1) The holder of a temporary sales license may sell at retail by the drink wine, malt
43 beverages, cider and distilled liquor. Distilled liquor served by the holder of a temporary sales li-
44 cense must be purchased from a retail sales agent of the Oregon Liquor Control Commission. The
45 holder of a temporary sales license must provide food service as required by commission rule.

1 (2) A temporary sales license may be issued only to:

2 (a) Nonprofit or charitable organizations that are registered with the state.

3 (b) A political committee that has filed a statement of organization under ORS 260.039 or
4 260.042.

5 (c) State agencies.

6 (d) Local governments, and agencies and departments of local governments.

7 (e) Persons not otherwise described in this subsection, as long as the applicant submits a plan
8 that is approved by the commission detailing how minors will be prevented from gaining access to
9 alcoholic beverages and how minors will be prevented from gaining access to any portion of the li-
10 censed premises prohibited to minors under ORS 471.430 [(3)] (4) or any rule adopted by the com-
11 mission.

12 (3) The holder of a temporary sales license may sell wine, malt beverages or cider in factory-
13 sealed containers for consumption off the licensed premises.

14 (4) The commission may by rule establish additional eligibility requirements for temporary sales
15 licenses.

16 (5) Subject to such qualifications as the commission may establish by rule, persons who hold a
17 full or limited on-premises sales license are eligible for temporary sales licenses.

18 (6) A person holding a temporary sales license is not required to obtain a temporary restaurant
19 license or mobile unit license under ORS chapter 624 if only wine, malt beverages and cider in
20 single-service containers are served and only nonperishable food items that are exempted from
21 licensure by the Department of Human Services are served.

22 (7) Employees and volunteers serving alcoholic beverages for a nonprofit or charitable organ-
23 ization licensed under this section are not required to have server permits nor to complete an al-
24 cohool server education program and examination under ORS 471.542. The commission by rule may
25 establish education requirements for servers described in this subsection.

26 (8) Notwithstanding ORS 471.392 to 471.400, a temporary sales license may be issued to a
27 nonprofit trade association that has a membership primarily comprised of persons that hold winery
28 licenses issued under ORS 471.223 or grower sales privilege licenses issued under ORS 471.227.

29 **SECTION 3. The amendments to ORS 471.190 and 471.430 by sections 1 and 2 of this 2009**
30 **Act apply to persons issued citations for violations of ORS 471.430 that occur on or after the**
31 **effective date of this 2009 Act.**

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