

Graham
 Goodson
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 E. Smith
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 Boylan
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 Thomas
 Manly
 Manning
 Zepher
 Beltrami
 Over
 Berger
 Healy

Senate BILL NO. 77
 INTRODUCED BY *Richard Aber*
Richard Aber, *Leslie Stephens*, *Richard Aber*
McCall, *Lensink*, *Alan Nelson*, *Roshie Rasmussen*,
Lee
met
Turnage
Boyer

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4-6-104, 94-5-609, AND 94-5-610, R.C.M. 1947, TO RAISE THE LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 4-6-104, R.C.M. 1947, is amended to read as follows:

"4-6-104. Age limit for sale of alcoholic beverages. Except in the case of an alcoholic beverage given to a person under the age of ~~eighteen~~ 19 years by his parent or guardian for beverage or medicinal purposes or administered to him by his physician or dentist for medicinal purposes or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell, give, or otherwise supply an alcoholic beverage to any person under the age of ~~eighteen~~ 19 years or permit any person under that age to consume an alcoholic beverage."

Section 2. Section 94-5-609, R.C.M. 1947, is amended to read as follows:

"94-5-609. Unlawful transactions with children. (1) A

1 person commits the offense of unlawful transactions with
 2 children if he knowingly:

3 (a) sells or gives explosives to a child under the age
 4 of majority except as authorized under appropriate city
 5 ordinances; or

6 (b) sells or gives intoxicating substances other than
 7 alcoholic beverages to a child under the age of majority; or

8 (c) sells or gives alcoholic beverages to a person
 9 under 19 years of age; or

10 (d) being a junk dealer, pawnbroker, or second-hand
 11 secondhand dealer he receives or purchases goods from a
 12 child under the age of majority without authorization of the
 13 parent or guardian.

14 (2) A person convicted of the offense of unlawful
 15 transactions with children shall be fined not to exceed ~~five~~
 16 ~~hundred dollars~~ \$500 or be imprisoned in the county jail
 17 for any term not to exceed ~~six~~ 6 months, or both. A person
 18 convicted of a second offense of unlawful transactions with
 19 children shall be fined not to exceed ~~one thousand dollars~~
 20 \$1,000 or be imprisoned in the county jail for any term
 21 not to exceed ~~six~~ 6 months, or both."

22 Section 3. Section 94-5-610, R.C.M. 1947, is amended
 23 to read as follows:

24 "94-5-610. Unlawful possession of intoxicating
 25 substance by children. (1) A person who ~~has not reached~~

1 under the age of majority 18 years commits the offense of
 2 possession of intoxicating substance if he knowingly has in
 3 his possession an intoxicating substance--~~except--a~~ other
 4 than an alcoholic beverage. A person ~~who has not reached~~
 5 under the age of majority 19 commits the offense of
 6 possession of an intoxicating substance if he knowingly has
 7 in his possession an alcoholic beverage; except that he does
 8 not commit the offense of--possession--of--an--intoxicating
 9 substance when in the course of his employment, he bags,
 10 carries, or transports beer for customers at a grocery
 11 store.

12 (2) A person convicted of the offense of possessing an
 13 intoxicating substance shall be fined not to exceed **fifty**
 14 ~~dollars--(\$50)~~ or be imprisoned in the county jail for any
 15 term not to exceed ~~ten--(10)~~ days, or both."

16 Section 4. Effective date. Sections 1, 2, and 3 of
 17 this act, if approved by the electors of the state of
 18 Montana, are effective January 1, 1979.

19 Section 5. Submission to electors. The question of
 20 whether this act will become effective shall be submitted to
 21 the electors of the state of Montana at the general election
 22 to be held November 7, 1978, by printing on the ballot the
 23 full titles, sections 1 through 4 of this act, and the
 24 following:

25 FOR raising the legal drinking age to 19.

AGAINST raising the legal drinking age to 19.

-End-