

HOUSE BILL NO. 195

Introduced: 01/13/83

Referred to Committee on Judiciary: 01/13/83

Hearing: 1/25/83

Report: 02/15/83, Do Pass

2nd Reading: 02/17/83, Do Not Pass

Bill Killed

1 *Bergene* *House* BILL NO. *195* *Antefrom Kolstad*
 2 INTRODUCED BY *Swift, Muel, Hamed, Ellis, Harko*
 3 *from House* *Devin Hark* *Long, Jansson, Harko*
 4 *O'Connell, Cook, Backus, Ruppert* *M. Hansen*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE FROM 19 TO 21 *Polking*
 6 THE LEGAL AGE AT WHICH PERSONS MAY POSSESS, CONSUME, OR BE *Weider*
 7 SOLD OR OTHERWISE GIVEN ALCOHOLIC BEVERAGES; AMENDING *Jarris*
 8 SECTIONS 16-3-301, 16-6-305, 45-5-623, AND 45-5-624, MCA; *Endsley*
 9 PROVIDING A CONTINGENT EFFECTIVE DATE; AND PROVIDING THAT *Thofft*
 10 THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE *Miller*
 11 OF MONTANA AT THE NOVEMBER 6, 1984, GENERAL ELECTION."
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 16-3-301, MCA, is amended to read:
 14 "16-3-301. Unlawful purchases, sales, or deliveries.
 15 (1) It shall be unlawful for a licensed retailer to purchase
 16 or acquire beer from anyone except a brewer or wholesaler
 17 licensed under the provisions of this code.
 18 (2) It shall be unlawful for any licensee, his or her
 19 employee or employees, or any other person to sell, deliver,
 20 or give away or cause or permit to be sold, delivered, or
 21 given away any alcoholic beverage to:
 22 (a) any person under 19 21 years of age;
 23 (b) any intoxicated person or any person actually,
 24 apparently, or obviously intoxicated.
 25 (3) Any person under 19 21 years of age or other

1 person who knowingly misrepresents his or her qualifications
 2 for the purpose of obtaining an alcoholic beverage from such
 3 licensee shall be equally guilty with said licensee and
 4 shall, upon conviction thereof, be subject to the penalty
 5 provided in 45-5-624; provided, however, that nothing herein
 6 contained shall be construed as authorizing or permitting
 7 the sale of an alcoholic beverage to any person in violation
 8 of any federal law.

9 (4) It shall be further mandatory under the provisions
 10 of this code that all licensees display in a prominent place
 11 in their premises a placard as issued by the department
 12 stating fully the consequences for violations of the
 13 provisions of this code by persons under 19 21 years of
 14 age."

15 Section 2. Section 16-6-305, MCA, is amended to read:
 16 "16-6-305. Age limit for sale of alcoholic beverages.
 17 (1) Except in the case of an alcoholic beverage given to a
 18 person under 19 21 years of age by his parent or guardian
 19 for beverage or medicinal purposes or administered to him by
 20 his physician or dentist for medicinal purposes or sold to
 21 him by a vendor or druggist upon the prescription of a
 22 physician, no person shall sell, give, or otherwise supply
 23 an alcoholic beverage to any person under 19 21 years of age
 24 or permit any person under that age to consume an alcoholic
 25 beverage.

INTRODUCED BILL

(2) Any person shall be guilty of a misdemeanor who:

(a) invites a person under the age of 19 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for such person;

(b) permits such person in a public place where an alcoholic beverage is sold to treat, give, or purchase liquor for him; or

(c) holds out such person to be 19 21 years of age or older to the owner of the establishment or his or her employee or employees.

(3) It is unlawful for any person to fraudulently misrepresent his or her age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card."

Section 3. Section 45-5-623, MCA, is amended to read:

"45-5-623. Unlawful transactions with children. (1) A person commits the offense of unlawful transactions with children if he knowingly:

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

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

(c) sells or gives alcoholic beverages to a person under 19 21 years of age; or

(d) being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a child under the age of majority without authorization of the parent or guardian.

(2) A person convicted of the offense of unlawful transactions with children shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of unlawful transactions with children shall be fined not to exceed \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both."

Section 4. Section 45-5-624, MCA, is amended to read:

"45-5-624. Unlawful possession of an intoxicating substance by children. (1) A person under the age of 18 years commits the offense of possession of an intoxicating substance if he knowingly has in his possession an intoxicating substance other than an alcoholic beverage. A person under the age of 19 21 commits the offense of possession of an intoxicating substance if he knowingly has in his possession an alcoholic beverage, except that he does not commit the offense when in the course of his employment it is necessary to possess alcoholic beverages.

(2) A person convicted of the offense of possession of

1 an intoxicating substance shall be fined not to exceed \$50
2 or be imprisoned in the county jail for any term not to
3 exceed 10 days, or both. If proceedings are held in the
4 youth court, the preceding penalty does not apply, and the
5 offender shall be treated as an alleged youth in need of
6 supervision as defined in 41-5-103(13). In such case, the
7 youth court may enter its judgment under 41-5-523."

8 NEW SECTION. Section 5. Effective date. This act is
9 effective upon the approval of both this act and _____ Bill
10 No. — [LC 550] by the electors at the November 6, 1984,
11 general election.

12 NEW SECTION. Section 6. Submission to electors. The
13 question of whether this act will become effective shall be
14 submitted to the electors of the state of Montana at the
15 November 6, 1984, general election by printing on the ballot
16 the full title of this act and the following:

17 ☐ FOR amending pertinent statutes to raise from 19 to
18 21 the legal age at which persons may possess,
19 consume, or be sold or otherwise given alcoholic
20 beverages.

21 ☐ AGAINST amending pertinent statutes to raise from 19
22 to 21 the legal age at which persons may possess,
23 consume, or be sold or otherwise given alcoholic
24 beverages.

-End-

Approved by Committee
on Judiciary

1 *Burgene* *House* BILL NO. *195* *Bartelme Kolstad*
2 INTRODUCED BY *Swift, Mueller, Howard, Blue, Alarico, Hays, Kasper, Berlin, Hays, Tony, Jensen, Hunt, O'Connell, Beck, Backus, Rumsa, M. Hansen, Seeborg, Jorris, Eudaily, Thoft, Miller*
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-End-