

HCS SS SB 402 -- ALCOHOL-RELATED PROBLEMS OF MINORS

This bill changes the laws regarding underage drinking. In its main provisions, the bill:

(1) Specifies that every school district will develop a policy by June 30, 2006, detailing the consequences for a student who is found to be in possession or drinking alcohol on school property or while participating in extracurricular activities (Section 160.069, RSMo);

(2) Makes it a class B misdemeanor for owners or renters to permit underage drinking on their property; however, this does not apply to parents or guardians. Legal defenses to prosecution under this section are specified (Section 311.310);

(3) Adds visible intoxication and detectable blood-alcohol content to the grounds for finding a minor guilty of the purchase or possession of alcohol (Section 311.325);

(4) Allows a minor who has pleaded to or been found guilty of purchasing or possessing alcohol to have all records of the violation expunged from his or her record after one year or upon reaching the age of 21 provided that he or she has no other alcohol-related conviction or enforcement contact. Only one expungement is allowed (Section 311.326);

(5) Prohibits the Supervisor of the Division of Alcohol and Tobacco Control from using minors to enforce the liquor laws unless permissive standards are established that require the minor:

(a) To be 18 or 19 years of age;

(b) To have a youthful appearance, excluding facial hair or a receding hairline;

(c) To carry correct identification and to produce it upon request; and

(d) To truthfully answer questions about his or her age.

The supervisor may not participate in any investigation or discipline any licensed establishment when any law enforcement agency chooses not to follow the permissive standards. Minors used in investigations are exempt from violations of Chapter 311 (Liquor Control Law) and Chapter 312 (Nonintoxicating Beer) when under the control of a law enforcement agency (Section 311.722);

(6) Specifies that any person who obtains, transfers, or uses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a minor for the purpose of purchasing or obtaining alcohol is guilty of a

class A misdemeanor (Section 570.223); and

(7) Specifies that a person who was older than 15 years of age but younger than 21 years of age when he or she committed a violation of the purchase or possession by a minor's law will have his or her driving privileges suspended or revoked, including temporary permits and intermediate licenses. Suspension for a first offense will be 30 days, a second offense will be 90 days, and a third or subsequent offense will be one year (Section 577.500).