

Senate Bill 466

Sponsored by Senator KRUSE

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 law enforcement agency to make reasonable effort to notify parent or guardian if agency issues citation to person under 18 years of age for attempting to purchase, purchasing, acquiring or possessing alcoholic beverage.

A BILL FOR AN ACT

1
2 Relating to violations of alcohol laws by underage persons; creating new provisions; and amending
3 ORS 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) A person under 21 years of age may not attempt to purchase, purchase or acquire
7 alcoholic beverages. Except when such minor is in a private residence accompanied by the parent
8 or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of
9 age may not have personal possession of alcoholic beverages.

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

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

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

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

22 **(5) If a person under 18 years of age is cited for violation of subsection (1) of this section,**
23 **the law enforcement agency issuing the citation shall make a reasonable effort to inform the**
24 **person's parent or guardian of the citation within 24 hours after issuance of the citation.**

25 [(5)] (6) In addition to and not in lieu of any other penalty established by law, a person under
26 21 years of age who violates subsection (1) of this section through misrepresentation of age may be
27 required to perform community service and the court shall order that the person's driving privileges
28 and right to apply for driving privileges be suspended for a period not to exceed one year. If a court
29 has issued an order suspending driving privileges under this section, the court, upon petition of the
30 person, may withdraw the order at any time the court deems appropriate. The court notification to
31 the Department of Transportation under this subsection may include a recommendation that the

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 person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the
 2 permit.

3 [(6)] (7) If a person cited under this section is at least 13 years of age but less than 21 years
 4 of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear,
 5 in addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220
 6 to the department for the department to suspend the person's driving privileges under ORS 809.280
 7 (4).

8 [(7)] (8) In addition to and not in lieu of any penalty established by law, the court may order a
 9 person who violates this section to undergo assessment and treatment as provided in ORS 471.432.
 10 The court shall order a person to undergo assessment and treatment as provided in ORS 471.432 if
 11 the person has previously been found to have violated this section.

12 [(8)] (9) The prohibitions of this section do not apply to a person under 21 years of age who is
 13 acting under the direction of the Oregon Liquor Control Commission or under the direction of state
 14 or local law enforcement agencies for the purpose of investigating possible violations of laws pro-
 15 hibiting sales of alcoholic beverages to persons who are under 21 years of age.

16 [(9)] (10) The prohibitions of this section do not apply to a person under 21 years of age who is
 17 acting under the direction of a licensee for the purpose of investigating possible violations by em-
 18 ployees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under
 19 21 years of age.

20 **SECTION 2. The amendments to ORS 471.430 by section 1 of this 2013 Act apply to cita-**
 21 **tions issued on or after the effective date of this 2013 Act.**