
HOUSE BILL No. 1246

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-7-5.1; IC 7.1-5-7-8.

Synopsis: Alcohol offenses involving minors. Changes the defenses allowed to a permit holder who is charged with unlawfully furnishing an alcoholic beverage to a minor. Makes it a Class B misdemeanor (instead of a Class C misdemeanor) for a person to recklessly sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor.

Effective: July 1, 2003.

Smith V, Budak

January 13, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

C
O
P
Y



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1246



A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-5-7-5.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.1. (a) A permittee in
3 a criminal prosecution or in a proceeding before the commission or a
4 local board based upon a charge of unlawfully furnishing an alcoholic
5 beverage to a minor may offer either or both of the following proofs as
6 a defense or defenses to the prosecution or proceeding:

- 7 (1) That ~~(A)~~ the purchaser:
 - 8 (i) ~~(A)~~ falsely represented the purchaser's age in a written
 - 9 statement, such as that prescribed by subsection (b), supported
 - 10 by two (2) forms of identification showing the purchaser to be
 - 11 at least twenty-one (21) years of age;
 - 12 (ii) ~~(B)~~ produced a driver's license, bearing the purchaser's
 - 13 photograph, **that showed that the purchaser was of legal age**
 - 14 **to make the purchase;** or
 - 15 (iii) ~~(C)~~ produced a photographic identification card issued
 - 16 under IC 9-24-16-1 or a similar card issued under the laws of
 - 17 another state or the federal government, showing that the



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

purchaser was of legal age to make the purchase.
(B) the appearance of the purchaser was such that an ordinary prudent person would believe the purchaser to be of legal age to make the purchase; and
(C) the sale was made in good faith based upon the reasonable belief that the purchaser was actually of legal age to make the purchase.

(2) That the permittee or his the permittee's agent had taken all reasonable precautions in instructing his employees, in hiring his employees, and in supervising them as to sale of alcoholic beverages to minors: required each purchaser who had an appearance that would cause an ordinary prudent individual to believe that the purchaser was less than twenty-six (26) years of age to produce photographic identification, on at least one (1) occasion, showing that the purchaser was of legal age to make the purchase.

(b) The following written statement is sufficient for the purposes of subsection (a)(1)(A)(i): (a)(1)(A):

REPRESENTATION AND STATEMENT
OF AGE
FOR PURCHASE OF ALCOHOLIC
BEVERAGES

I understand that misrepresentation of age to induce the sale, service, or delivery of alcoholic beverages to me is cause for my arrest and prosecution, which can result in punishment as follows:

- (1) Possible payment of a fine of up to \$500.
- (2) Possible imprisonment for up to 60 days.
- (3) Possible loss or deferment of driver's license privileges for up to one year.
- (4) Possible requirement to participate in an alcohol education or treatment program.

Knowing the possible penalties for misstatement, I hereby represent and state, for the purpose of inducing _____

(Name of licensee)

to sell, serve, or deliver alcoholic beverages to me, that I was born:

_____, _____, _____ and am ____ years of age.

(Month) (Day) (Year)

Date _____ Signed _____

Address _____

Other Identification _____
Presented: Signature of person
who witnessed completion

C
o
p
y



1 Nonphoto driver's of this statement
 2 license: (number & state) by patron:
 3 _____
 4 Social Security Number _____
 5 _____
 6 Other _____
 7 _____
 8 _____

9 SECTION 2. IC 7.1-5-7-8 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) It is a ~~Class E~~
 11 **Class B** misdemeanor for a person to recklessly sell, barter, exchange,
 12 provide, or furnish an alcoholic beverage to a minor.

13 (b) This section shall not be construed to impose civil liability upon
 14 any educational institution of higher learning, including but not limited
 15 to public and private universities and colleges, business schools,
 16 vocational schools, and schools for continuing education, or its agents
 17 for injury to any person or property sustained in consequence of a
 18 violation of this section unless such institution or its agent sells,
 19 barter, exchanges, provides, or furnishes an alcoholic beverage to a
 20 minor.

21 SECTION 3. [EFFECTIVE JULY 1, 2003] **IC 7.1-5-7-5.1, as**
 22 **amended by this act, applies to a criminal prosecution or a**
 23 **proceeding before the alcohol and tobacco commission based on a**
 24 **charge of unlawfully furnishing an alcoholic beverage to a minor**
 25 **only if the unlawful act is alleged to have been committed after**
 26 **June 30, 2003.**

C
o
p
y

