

SENATE BILL No. 718

February 11, 1992, Introduced by Senator EMMONS and referred to the Committee on Judiciary.

A bill to amend section 33 of Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act," being section 436.33 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 33 of Act No. 8 of the Public Acts of
2 the Extra Session of 1933, being section 436.33 of the Michigan
3 Compiled Laws, is amended to read as follows:

4 Sec. 33. (1) Alcoholic liquor shall not be sold or fur-
5 nished to a person unless the person has attained 21 years of
6 age. ~~—A—~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OR (3),
7 A person who knowingly sells or furnishes alcoholic liquor to a
8 person who is less than 21 years of age, or who fails to make
9 diligent inquiry as to whether the person is less than 21 years
10 of age, is guilty of a misdemeanor.

1 (2) A PERSON WHO KNOWINGLY SELLS OR FURNISHES ALCOHOLIC
2 LIQUOR TO A PERSON WHO IS LESS THAN 21 YEARS OF AGE UNDER CIRCUM-
3 STANCES WHERE THAT CONSUMPTION IS THE PROXIMATE CAUSE OF THE
4 DEATH OF THE PERSON LESS THAN 21 YEARS OF AGE IS GUILTY OF A
5 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS, OR
6 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

7 (3) A PERSON WHO KNOWINGLY SELLS OR FURNISHES ALCOHOLIC
8 LIQUOR TO A PERSON WHO IS LESS THAN 21 YEARS OF AGE UNDER CIRCUM-
9 STANCES WHERE THAT CONSUMPTION IS THE PROXIMATE CAUSE OF A
10 LONG-TERM INCAPACITATING INJURY SUFFERED BY THE PERSON LESS THAN
11 21 YEARS OF AGE IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
12 FOR NOT MORE THAN 5 YEARS, OR A FINE OF NOT MORE THAN \$2,500.00,
13 OR BOTH. AS USED IN THIS SUBSECTION, "LONG-TERM INCAPACITATING
14 INJURY" MEANS AN INJURY THAT HAS CAUSED A PERSON TO BE IN A COMA-
15 TOSE STATE, A QUADRIPLAGIC STATE, A HEMIPLEGIC STATE, OR A PARA-
16 PLEGIC STATE, WHICH STATE IS LIKELY TO CONTINUE FOR 1 YEAR OR
17 MORE.

18 (4) A suitable sign which describes this section and the
19 penalties for violating this section shall be posted in a con-
20 spicuous place in each room where alcoholic ~~liquers are~~ LIQUOR
21 IS sold. The signs shall be approved and furnished by the ~~state~~
22 ~~liquor control~~ commission.

23 (5) ~~-(2)-~~ In an action for the violation of this section,
24 proof that the defendant or the defendant's agent or employee
25 demanded and was shown, before furnishing alcoholic liquor to a
26 person under 21 years of age, a motor vehicle operator's license
27 or a registration certificate issued by the federal selective

1 service, or other bona fide documentary evidence of the age and
2 identity of that person, shall be a defense to an action under
3 this section.

4 (6) A PROSECUTION UNDER THIS SECTION DOES NOT PREVENT THE
5 PROSECUTION OF A PERSON FOR A VIOLATION OF ANY OTHER APPLICABLE
6 LAW.