

HOUSE BILL No. 4585

April 27, 1999, Introduced by Reps. Jacobs, Faunce, Julian, Garcia, Howell, O'Neil and Patterson and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 703 (MCL 436.1703), as amended by 1998
PA 353.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 703. (1) A minor shall not purchase or attempt to pur-
2 chase alcoholic liquor, consume or attempt to consume alcoholic
3 liquor, or possess or attempt to possess alcoholic liquor, except
4 as provided in this section. Notwithstanding section 909, a
5 minor who violates this subsection is guilty of a misdemeanor
6 punishable by the following fines and sanctions, and is not
7 subject to the penalties prescribed in section 909:
8 (a) For the first violation a fine of not more than \$100.00,
9 and may be ordered to participate in substance abuse prevention
10 or substance abuse treatment and rehabilitation services as

1 defined in section 6107 of the public health code, 1978 PA 368,
2 MCL 333.6107, and designated by the administrator of substance
3 abuse services, and may be ordered to perform community service
4 and to undergo substance abuse screening and assessment at his or
5 her own expense as described in subsection (3).

6 (b) For a violation of this subsection following a prior
7 ~~violation~~ CONVICTION of this subsection or section 33b(1) of
8 former 1933 (Ex Sess) PA 8, a fine of not more than \$200.00, and
9 may be ordered to participate in substance abuse prevention or
10 substance abuse treatment and rehabilitation services as defined
11 in section 6107 of the public health code, 1978 PA 368,
12 MCL 333.6107, and designated by the administrator of substance
13 abuse services, to perform community service, and to undergo sub-
14 stance abuse screening and assessment at his or her own expense
15 as described in subsection (3).

16 (c) For a violation of this subsection following 2 or more
17 prior ~~violations~~ CONVICTIONS of this subsection or
18 section 33b(1) of former 1933 (Ex Sess) PA 8, a fine of not more
19 than \$500.00, and may be ordered to participate in substance
20 abuse prevention or substance abuse treatment and rehabilitation
21 services as defined in section 6107 of the public health code,
22 1978 PA 368, MCL 333.6107, and designated by the administrator of
23 substance abuse services, to perform community service, and to
24 undergo substance abuse screening and assessment at his or her
25 own expense as described in subsection (3).

26 (2) A person who furnishes fraudulent identification to a
27 minor, or notwithstanding subsection (1) a minor who uses

1 fraudulent identification to purchase alcoholic liquor, is guilty
2 of a misdemeanor punishable by imprisonment for not more than 93
3 days or a fine of not more than \$100.00, or both.

4 (3) The court may order the person convicted of violating
5 subsection (1) to undergo screening and assessment by a person or
6 agency as designated by the substance abuse coordinating agency
7 as defined in section 6103 of the public health code, 1978
8 PA 368, MCL 333.6103, in order to determine whether the person is
9 likely to benefit from rehabilitative services, including alcohol
10 or drug education and alcohol or drug treatment programs.

11 (4) The secretary of state shall suspend the operator's or
12 chauffeur's license of an individual convicted of violating sub-
13 section (1) or (2) as provided in section 319 of the Michigan
14 vehicle code, 1949 PA 300, MCL 257.319.

15 (5) A peace officer who has reasonable cause to believe a
16 minor has consumed alcoholic liquor may require the person to
17 submit to a preliminary chemical breath analysis. A peace offi-
18 cer may arrest a person based in whole or in part upon the
19 results of a preliminary chemical breath analysis. The results
20 of a preliminary chemical breath analysis or other acceptable
21 blood alcohol test are admissible in a criminal prosecution to
22 determine whether the minor has consumed or possessed alcoholic
23 liquor. A minor who refuses to submit to a preliminary chemical
24 breath test analysis as required in this subsection is responsi-
25 ble for a state civil infraction and may be ordered to pay a
26 civil fine of not more than \$100.00.

1 (6) A law enforcement agency, upon determining that a person
2 less than 18 years of age who is not emancipated ~~pursuant to~~
3 UNDER 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, pos-
4 sessed, purchased, or attempted to consume, possess, or purchase
5 alcoholic liquor in violation of subsection (1) shall notify the
6 parent or parents, custodian, or guardian of the person as to the
7 nature of the violation if the name of a parent, guardian, or
8 custodian is reasonably ascertainable by the law enforcement
9 agency. The notice required by this subsection shall be made not
10 later than 48 hours after the law enforcement agency determines
11 that the person who allegedly violated subsection (1) is less
12 than 18 years of age and not emancipated under 1968 PA 293,
13 MCL 722.1 to 722.6. The notice may be made by any means reason-
14 ably calculated to give prompt actual notice including, but not
15 limited to, notice in person, by telephone, or by first-class
16 mail. If an individual less than 17 years of age is incarcerated
17 for violating subsection (1), his or her parents or legal guard-
18 ian shall be notified immediately as provided in this
19 subsection.

20 (7) This section does not prohibit a minor from possessing
21 alcoholic liquor during regular working hours and in the course
22 of his or her employment if employed by a person licensed by this
23 act, by the commission, or by an agent of the commission, if the
24 alcoholic liquor is not possessed for his or her personal
25 consumption.

1 (8) This section does not limit the civil or criminal
2 liability of the vendor or the vendor's clerk, servant, agent, or
3 employee for a violation of this act.

4 (9) The consumption of alcoholic liquor by a minor who is
5 enrolled in a course offered by an accredited postsecondary edu-
6 cational institution in an academic building of the institution
7 under the supervision of a faculty member is not prohibited by
8 this act if the purpose of the consumption is solely educational
9 and is a requirement of the course.

10 (10) The consumption by a minor of sacramental wine in con-
11 nection with religious services at a church, synagogue, or temple
12 is not prohibited by this act.

13 (11) Subsection (1) does not apply to a minor who partici-
14 pates in either or both of the following:

15 (a) An undercover operation in which the minor purchases or
16 receives alcoholic liquor under the direction of the person's
17 employer and with the prior approval of the local prosecutor's
18 office as part of an employer-sponsored internal enforcement
19 action.

20 (b) An undercover operation in which the minor purchases or
21 receives alcoholic liquor under the direction of the state
22 police, the commission, or a local police agency as part of an
23 enforcement action unless the initial or contemporaneous purchase
24 or receipt of alcoholic liquor by the minor was not under the
25 direction of the state police, the commission, or the local
26 police agency and was not part of the undercover operation.

1 (12) The state police, the commission, or a local police
2 agency shall not recruit or attempt to recruit a minor for
3 participation in an undercover operation at the scene of a viola-
4 tion of subsection (1), section 801(2), or section 701(1).

5 ~~(13) As used in this section:~~

6 ~~(a) "Probate court disposition" means an order of disposi-~~
7 ~~tion of the probate court or the family division of the circuit~~
8 ~~court for a child found to be within the provisions of chapter~~
9 ~~XIIA of 1939 PA 288, MCL 712A.1 to 712A.32.~~

10 ~~(b) "Work location" means, as applicable, either the spe-~~
11 ~~cific place or places of employment, or the territory or territo-~~
12 ~~ries regularly visited by the person in pursuance of the person's~~
13 ~~occupation, or both.~~

14 Enacting section 1. This amendatory act takes effect
15 October 1, 1999.

16 Enacting section 2. This amendatory act does not take
17 effect unless all of the following bills of the 90th Legislature
18 are enacted into law:

19 (a) Senate Bill No. ____ or House Bill No. ____ (request
20 no. 01321'99).

21 (b) Senate Bill No. ____ or House Bill No. ____ (request
22 no. 01325'99).

23 (c) Senate Bill No. ____ or House Bill No. ____ (request
24 no. 01326'99).

25 (d) Senate Bill No. ____ or House Bill No. ____ (request
26 no. 01327'99 *).

01328'99 *

1 (e) Senate Bill No. ____ or House Bill No. ____ (request
2 no. 01329'99).

3 (f) Senate Bill No. ____ or House Bill No. ____ (request
4 no. 01340'99 *).

5 (g) Senate Bill No. ____ or House Bill No. ____ (request
6 no. 01340'99 a *).

7 (h) Senate Bill No. ____ or House Bill No. ____ (request
8 no. 01340'99 b *).

9 (i) Senate Bill No. ____ or House Bill No. ____ (request
10 no. 01340'99 c *).

11 (j) Senate Bill No. ____ or House Bill No. ____ (request
12 no. 01340'99 d *).