

H.B. NO. 2305

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act shall be known as the "Driver's
2 License Suspension for Underage Possession of Liquor Act."

3 SECTION 2. Section 281-101.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§281-101.5 Prohibitions involving minors; penalty.** (a)
6 ~~[No]~~ Any adult ~~[shall provide or purchase]~~ who provides or
7 purchases liquor for consumption or use by a person under
8 twenty-one years of age~~[-]~~ shall be criminally prosecuted
9 pursuant to section 712-1250.5.

10 (b) No minor shall purchase liquor and no minor shall have
11 liquor in the minor's possession or custody ~~[in any motor~~
12 ~~vehicle on a public highway or]~~ in any public place, public
13 gathering, or public amusement or at any public beach or public
14 park~~[-]~~ or in any motor vehicle on a public highway; provided
15 that notwithstanding any other law to the contrary, this
16 subsection shall not apply to:

1 (1) Possession or custody of liquor by a minor in the
2 course of delivery, pursuant to the direction of the
3 minor's employer lawfully engaged in business
4 necessitating the delivery;

5 (2) Possession or custody of liquor by a minor in
6 connection with the minor's authorized participation
7 in religious ceremonies requiring the possession or
8 custody; or

9 (3) Any person between the ages of eighteen and twenty,
10 who is participating in a controlled purchase as part
11 of a law enforcement activity or a study authorized by
12 the department of health to determine the level of
13 incidence of liquor sales to minors.

14 (c) No minor shall falsify any identification or use any
15 false identification or identification of another person or of a
16 fictitious person for the purpose of buying or attempting to buy
17 liquor or for the purpose of obtaining employment to sell or
18 serve liquor on licensed premises.

19 (d) Any person under age eighteen who violates this
20 section shall be subject to the jurisdiction of the family
21 court. ~~[Any person age eighteen or older who violates~~
22 ~~subsection (a) shall be guilty of a misdemeanor.]~~ Any person
23 age eighteen to twenty-one who violates ~~[subsections]~~ subsection

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1 (b) or (c) shall be guilty of a petty misdemeanor. The court
2 shall order that any person under twenty-one years of age found
3 to be in violation of this section shall have, in addition to
4 any other disposition or sentencing provision permitted by law,
5 the person's license to operate a motor vehicle, or the person's
6 ability to obtain a license to operate a motor vehicle,
7 suspended as follows:

8 (1) For licensed drivers, the driver's license shall be
9 suspended for ninety days with exceptions to allow, at
10 the discretion of the sentencing court, driving to and
11 from school, school-sponsored activities, and
12 employment; or

13 (2) For persons not licensed to drive, eligibility to
14 obtain a driver's license shall be suspended until the
15 age of eighteen or for ninety days, whichever period
16 is longer."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20
21 INTRODUCED BY: Calvin K. Day

22 BY REQUEST
JAN 23 2006

HB2305

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS.

PURPOSE: To require judges to suspend the driver's licenses of licensed drivers under the age of 21 when the drivers have been convicted of illegal possession of liquor and if the defendant does not yet have a driver's license, to postpone the defendant's eligibility to obtain one until the defendant is eighteen years of age or for ninety days, whichever period is longer, to allow the judge the discretion to permit limited driving for those with a suspended license if there is a need to drive for employment or educational purposes, and to make minor stylistic changes to increase the statute's clarity.

MEANS: Amend section 281-101.5, Hawaii Revised Statutes.

JUSTIFICATION: News stories regarding traffic deaths of underage drinkers involved in traffic accidents are all too common in Hawaii. Knowledge that a conviction for underage possession of alcohol will result in temporary loss of driving privileges is likely to deter many potential underage drinkers from possessing alcohol at all until they can legally do so.

Impact on the public: By deterring underage drinking and underage drunk driving, this proposal can save lives.

Impact on the department and other agencies: The impact on the department will be minimal, but the impact on other law enforcement agencies will be very positive if potential under age drinkers are deterred from drinking before the age of twenty-one.

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GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Judiciary, county police, county
prosecutors, and the Office of the Public
Defender.

EFFECTIVE DATE: Upon approval.