
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Section 281-101.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§281-101.5 Prohibitions involving minors; penalty.** (a)

4 Any adult who provides or purchases liquor for consumption or
5 use by a person under twenty-one years of age shall be guilty of
6 the offense under section 712-1250.5.

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

13 (1) Possession or custody of liquor by a minor in the
14 course of delivery, pursuant to the direction of the
15 minor's employer lawfully engaged in business
16 necessitating the delivery;

17 (2) Possession, custody, or consumption of liquor by a
18 minor in connection with the minor's authorized



1 participation in religious ceremonies requiring such
2 possession, custody, or consumption; or

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

8 (c) No minor shall falsify any identification or use any
9 false identification or identification of another person or of a
10 fictitious person for the purpose of buying or attempting to buy
11 liquor [~~or~~], for the purpose of obtaining employment to sell or
12 serve liquor on licensed premises[~~-~~], or for the purpose of
13 gaining entry to the premises of a licensee that excludes minors
14 or admits only a person who produces identification to prove the
15 person is twenty-one years of age or older.

16 (d) Any person [~~under age~~]:

17 (1) Under eighteen years of age who violates this section
18 shall be subject to the jurisdiction of the family
19 court[~~- Any person age~~]; and

20 (2) Age eighteen to under age twenty-one who violates
21 subsection (b) or (c) shall be guilty of a petty
22 misdemeanor. [~~The~~]

1 (e) Except as provided in subsection (f), the court shall
2 order that any person under twenty-one years of age found to be
3 in violation of this section shall have, in addition to any
4 other disposition or sentencing provision permitted by law, the
5 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 not less than one hundred and eighty
10 days with exceptions to allow, at the discretion of
11 the sentencing court, driving to and from school,
12 school-sponsored activities, and employment;

13 (2) For persons with a provisional license, the
14 provisional license shall be suspended for not less
15 than one hundred and eighty days with exceptions to
16 allow, at the discretion of the sentencing court,
17 driving to and from school, school-sponsored
18 activities, and employment;

19 (3) For persons with an instruction permit, the
20 instruction permit shall be suspended for not less
21 than one hundred and eighty days with exceptions to
22 allow, at the discretion of the sentencing court,

1 driving to and from school, school-sponsored
2 activities, and employment; [~~or~~]

3 (4) For persons not licensed to drive, eligibility to
4 obtain a driver's license, provisional license, or
5 instruction permit shall be suspended until the age of
6 seventeen or for one hundred and eighty days, at the
7 discretion of the court; and

8 (5) Chapter 571 notwithstanding, in any case where a
9 person under the age of eighteen violates this
10 section, the family court judge may suspend the
11 driver's license, provisional license, or instruction
12 permit, or suspend the eligibility to obtain a
13 driver's license, provisional license, or instruction
14 permit in accordance with this section;

15 provided that the requirement to provide proof of financial
16 responsibility pursuant to section 287-20 shall not be based
17 upon a sentence imposed under paragraphs (1) and (2) [~~—In~~
18 ~~addition, all~~].

19 (f) Section 706-640 notwithstanding, the court may instead
20 of the penalties under subsection (e), impose the following
21 fines on any person who violates subsection (b) or (c) in a



1 county having a population of less than five hundred thousand
2 residents:

3 (1) For a first offense, a fine of not less than \$100 and
4 not more than \$250;

5 (2) For an offense that occurs within three years of a
6 prior offense under subsection (b) or (c), a fine of
7 not less than \$250 and not more than \$500; and

8 (3) For an offense that occurs within three years of two
9 or more prior offenses under subsection (b) or (c), a
10 fine of not less than \$500 and not more than \$1,000.

11 (g) All persons, whether or not licensed, found to be in
12 violation of this section shall be sentenced to seventy-five
13 hours of community service work, and an eight to twelve hour
14 program of alcohol education and counseling the costs of which
15 shall be borne by the offender or the offender's parent or
16 guardian.

17 [~~e~~] (h) As used in this section, "consume" or
18 "consumption" includes the ingestion of liquor."

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before its effective date.



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2007.



Report Title:

Intoxicating Liquor; Minors

Description:

Prohibits persons from using a false ID to enter premises that exclude persons under age 18 or 21. For counties having a population of under 500,000 residents, establishes fines as an alternative to license suspension for persons under age 21 who consume or possess liquor or use a false ID. (HB1058 HD1)

