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

3 "~~§~~**281-101.5 Prohibitions involving minors; penalty.** (a)
4 [~~No~~] Any adult [~~shall provide or purchase~~] who provides or
5 purchases liquor for consumption or use by a person under
6 twenty-one years of age[~~+~~] shall be guilty of the offense of
7 promoting intoxicating liquor to a minor under section
8 712-1250.5.

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

16 (1) Possession or custody of liquor by a minor in the
17 course of delivery, pursuant to the direction of the



1 minor's employer lawfully engaged in business

2 necessitating the delivery;

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

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

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

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

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

7 (1) For licensed drivers, the driver's license shall be
8 suspended for not less than one hundred and eighty
9 days with exceptions to allow, at the discretion of
10 the sentencing court, driving to and from school,
11 school-sponsored activities, and employment; or

12 (2) For persons not licensed to drive, eligibility to
13 obtain a driver's license shall be suspended until the
14 age of eighteen or for one hundred and eighty days,
15 whichever period is longer;

16 provided that the requirement to provide proof of financial
17 responsibility pursuant to section 287-20 shall not be based
18 upon a sentence imposed under subsection (d) (1).

19 In addition, all persons, whether or not licensed, found to
20 be in violation of this section shall be sentenced to
21 seventy-five hours of community service work, and an eight to
22 twelve hour program of alcohol education and counseling the



1 costs of which shall be borne by the offender or the offender's
2 parent or guardian."

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

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun, before its effective date.

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

Report Title:

Drivers licensing; Minors; Liquor

Description:

Requires 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. Postpones the defendant's eligibility to obtain a license until the defendant is 18 years of age or for 90 days, whichever period is longer. Allows a 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. (SD1)

