
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1 SECTION 1. Section 281-80, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§281-80 Arrest[-] or citation. (a) Any investigator or
4 police officer who observes any violation by any person of this
5 chapter or of any rule or regulation of the liquor commission,
6 may forthwith arrest the person without a warrant. Whenever any
7 violation of this chapter or of the regulations of the
8 commission occurs in the presence of any licensee, or any
9 investigator or police officer, upon request of the licensee the
10 police officer or investigator may assist the licensee in
11 arresting any patron for violation thereof.

12 (b) Except when state law, including any rule adopted
13 pursuant to this chapter, requires that a person cited for
14 violation of any provision of this chapter be immediately taken
15 before a district judge, any enforcement officer upon a
16 violation of this chapter or a rule adopted thereto, shall issue
17 to the alleged violator a summons or citation printed in the
18 form described in this section, warning the alleged violator to



1 appear and answer to the charge at a certain place and at a time
2 within seven days after such notice.

3 (c) The summons or citation shall be printed in a form
4 comparable to the form of other summonses and citations used for
5 arresting offenders and shall be designed to provide for
6 inclusion of all necessary information. The form and content of
7 the summons or citation shall be adopted or prescribed by the
8 district courts.

9 (d) The original of a summons or citation shall be given
10 to the alleged violator and the other copy or copies distributed
11 in the manner prescribed by the district courts; provided that
12 the district courts may prescribe alternative methods of
13 distribution of the original and any other copy.

14 (e) Summonses and citations shall be consecutively
15 numbered and the carbon copy or copies of each shall bear the
16 same number.

17 (f) Any person who fails to appear at the place and within
18 the time specified in the summons or citation shall be guilty of
19 a misdemeanor.

20 (g) If any person fails to comply with a summons or
21 citation issued to that person, or if any person fails or
22 refuses to deposit bail as required, the enforcement officer



1 shall cause a complaint to be entered against that person and
2 secure the issuance of a warrant for the person's arrest.

3 (h) When a complaint is made to any prosecuting officer of
4 the violation of any provision of this chapter, including any
5 rule adopted hereunder, the enforcement officer who issued the
6 summons or citation shall subscribe to it under oath
7 administered by another official of the liquor commission whose
8 name has been submitted to the prosecuting officer and who has
9 been designated by the director to administer the same.

10 (i) For the purpose of this section, "enforcement officer"
11 means an investigator or police officer."

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

14 **"§281-101.5 Prohibitions involving minors; penalty. (a)**
15 Any adult who provides or purchases liquor for consumption or
16 use by a person under twenty-one years of age shall be guilty of
17 the offense under section 712-1250.5.

18 (b) No minor shall consume or purchase liquor and no minor
19 shall consume or have liquor in the minor's possession or
20 custody in any public place, public gathering, or public
21 amusement, at any public beach or public park, or in any motor



1 vehicle on a public highway; provided that notwithstanding any
2 other law to the contrary, this subsection shall not apply to:

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

7 (2) Possession, custody, or consumption of liquor by a
8 minor in connection with the minor's authorized
9 participation in religious ceremonies requiring such
10 possession, custody, or consumption; or

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

16 (c) No minor shall falsify any identification or use any
17 false identification or identification of another person or of a
18 fictitious person for the purpose of buying or attempting to buy
19 liquor [~~or~~], for the purpose of obtaining employment to sell or
20 serve liquor on licensed premises[-], or for the purpose of
21 gaining entry to the premises of a licensee that excludes minors



1 or admits only a person who produces identification to prove the
2 person is twenty-one years of age or older.

3 (d) Any person under [age] eighteen years of age who
4 violates this section shall be subject to the jurisdiction of
5 the family court. [~~Any person age eighteen to twenty-one who~~
6 ~~violates subsection (b) or (c) shall be guilty of a petty~~
7 ~~misdemeanor.~~

8 ~~The]~~ (e) Except as provided in subsection (g), the court
9 shall order that any person under twenty-one years of age found
10 to be in violation of this section shall have, in addition to
11 any other disposition or sentencing provision permitted by law,
12 the person's license to operate a motor vehicle, or the person's
13 ability to obtain a license to operate a motor vehicle,
14 suspended as follows:

15 (1) For licensed drivers, the driver's license shall be
16 suspended for not less than one hundred and eighty
17 days with exceptions to allow, at the discretion of
18 the sentencing court, driving to and from school,
19 school-sponsored activities, and employment;

20 (2) For persons with a provisional license, the
21 provisional license shall be suspended for not less
22 than one hundred and eighty days with exceptions to



1 allow, at the discretion of the sentencing court,
2 driving to and from school, school-sponsored
3 activities, and employment;

4 (3) For persons with an instruction permit, the
5 instruction permit shall be suspended for not less
6 than one hundred and eighty days with exceptions to
7 allow, at the discretion of the sentencing court,
8 driving to and from school, school-sponsored
9 activities, and employment; or

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

15 (5) Chapter 571 notwithstanding, in any case where a
16 person under the age of eighteen violates this
17 section, the family court judge may suspend the
18 driver's license, provisional license, or instruction
19 permit, or suspend the eligibility to obtain a
20 driver's license, provisional license, or instruction
21 permit in accordance with this section;



1 provided that the requirement to provide proof of financial
2 responsibility pursuant to section 287-20 shall not be based
3 upon a sentence imposed under paragraphs (1) and (2). In
4 addition, all persons whether or not licensed, found to be in
5 violation of this section shall be sentenced to seventy-five
6 hours of community service work, and an eight to twelve hour
7 program of alcohol education and counseling the costs of which
8 shall be borne by the offender or the offender's parent or
9 guardian.

10 (f) Any person who violates subsection (b) or (c) may be
11 sentenced as follows:

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

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

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

20 (g) Any person who violates subsection (b) or (c) shall be
21 subject to either the penalties under subsection (e) or under
22 subsection (f), but not both.



1 (h) When an enforcement officer issues a citation for a
 2 violation of subsection (b) or (c) and the person is subject to
 3 the penalties set forth in subsection (f)(1) or (2), the
 4 citation shall be treated as a traffic infraction for purposes
 5 of disposition pursuant to chapter 291D.

6 (i) The director of finance shall distribute fifty per
 7 cent of the revenues from violations of subsections (b) and (c)
 8 to the county in which the violation occurred. The funds shall
 9 be used for anti-underage drinking programs or underage drinking
 10 law enforcement programs.

11 ~~(e)~~ (j) As used in this section, "consume" or
 12 "consumption" includes the ingestion of liquor."

13 SECTION 3. This Act does not affect rights and duties that
 14 matured, penalties that were incurred, and proceedings that were
 15 begun, before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2009.

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INTRODUCED BY:

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Report Title:

Intoxicating Liquor; Minors

Description:

Prohibits attempts by minors using false identification to purchase liquor by establishing fines and other penalties. Designates 50% of revenues from fines to county programs for underage drinking awareness and prevention. Authorizes the issuance of citations as an alternative to arrest for violations associated with intoxicating liquor.

