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## A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1           SECTION 1. The purposes of this Act are to:

2           (1) Give law enforcement officers the option to either  
3           arrest or issue a summons to an alleged violator of  
4           the liquor laws;

5           (2) Give the courts the option to either suspend the  
6           driver's license of, or impose a fine upon, a minor  
7           who violates the liquor laws, in order to create  
8           another way of punishment if the violator does not  
9           have a driver's license, the violator can be fined,  
10          and thus ameliorate a violator's hardships in  
11          accessing alternative modes of transportation in rural  
12          communities of the State that have little or no modes  
13          of public transportation; and

14          (3) Designate fifty per cent of revenues from fines for  
15          county programs for underage drinking awareness and  
16          prevention.

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



1           "§281-80 Arrest [-] or citation. (a) Any investigator or  
2 police officer who observes any violation by any person of this  
3 chapter or of any rule or regulation of the liquor commission,  
4 may forthwith arrest the person without a warrant. Whenever any  
5 violation of this chapter or of the regulations of the  
6 commission occurs in the presence of any licensee, or any  
7 investigator or police officer, upon request of the licensee the  
8 police officer or investigator may assist the licensee in  
9 arresting any patron for violation thereof.

10           (b) Except when state law, including any rule adopted  
11 pursuant to this chapter, requires that a person cited for  
12 violation of any provision of this chapter be immediately taken  
13 before a district judge, any enforcement officer, upon a  
14 violation of this chapter or a rule adopted thereto, shall issue  
15 to the alleged violator a summons or citation printed in the  
16 form described in this section, warning the alleged violator to  
17 appear and answer to the charge at a certain place and at a time  
18 within thirty days after such notice.

19           (c) The summons or citation shall be printed in a form  
20 comparable to the form of other summonses and citations used for  
21 arresting offenders and shall be designed to provide for  
22 inclusion of all necessary information. The form and content of



1 the summons or citation shall be adopted or prescribed by the  
2 district courts.

3 (d) The original of a summons or citation shall be given  
4 to the alleged violator and the other copy or copies distributed  
5 in the manner prescribed by the district courts; provided that  
6 the district courts may prescribe alternative methods of  
7 distribution of the original and any other copy.

8 (e) Summonses and citations shall be consecutively  
9 numbered and the carbon copy or copies of each shall bear the  
10 same number.

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

14 (g) If any person fails to comply with a summons or  
15 citation issued to that person, or if any person fails or  
16 refuses to deposit bail as required, the enforcement officer  
17 shall cause a complaint to be entered against that person and  
18 secure the issuance of a warrant for the person's arrest.

19 (h) When a complaint is made alleging a violation of any  
20 provision of this chapter, including any rule adopted hereunder,  
21 the enforcement officer who issued the summons or citation shall  
22 subscribe to it under oath administered by another official of



1 the liquor commission who has been designated by the director to  
2 administer the oath.

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

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

7 "§281-101.5 Prohibitions involving minors; penalty. (a)  
8 Any adult who provides or purchases liquor for consumption or  
9 use by a person under twenty-one years of age shall be guilty of  
10 the offense under section 712-1250.5.

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

17 (1) Possession or custody of liquor by a minor in the  
18 course of delivery, pursuant to the direction of the  
19 minor's employer lawfully engaged in business  
20 necessitating the delivery;

21 (2) Possession, custody, or consumption of liquor by a  
22 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]~~ eighteen years of age who  
17 violates this section shall be subject to the jurisdiction of  
18 the family court. ~~[Any person age eighteen to twenty one who~~  
19 ~~violates subsection (b) or (c) shall be guilty of a petty~~  
20 ~~misdemeanor.~~

21 ~~The]~~ (e) Except as provided in subsection (g), the court  
22 shall order that any person under twenty-one years of age found



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

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

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

17 (3) For persons with an instruction permit, the  
18 instruction permit shall be suspended for not less  
19 than one hundred and eighty days with exceptions to  
20 allow, at the discretion of the sentencing court,  
21 driving to and from school, school-sponsored  
22 activities, and employment; or



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

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

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



1        (f) Any minor who violates subsection (b) or (c) may be  
2 sentenced as follows:

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

5        (2) For an offense that occurs within three years of a  
6 prior offense under subsection (b) or (c), by a fine  
7 of 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), by  
10 a fine of not less than \$500 and not more than \$1,000.

11        (g) Any minor who violates subsection (b) or (c) shall be  
12 subject to either the penalties under subsection (e) or under  
13 subsection (f), but not both.

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

19        (i) The director of finance shall distribute fifty per  
20 cent of the revenues from violations of subsections (b) and (c)  
21 to the county in which the violation occurred. The funds shall





1 be used for anti-underage drinking programs or underage drinking  
2 law enforcement programs.

3 [~~e~~] (j) As used in this section, "consume" or  
4 "consumption" includes the ingestion of liquor."

5 SECTION 4. 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 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

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K. A.

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**Report Title:**

Intoxicating Liquor; Minors

**Description:**

Prohibits use by minors of false identification to purchase liquor. Establishes 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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

