

JAN 22 2010

S.B. NO. 2474

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 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;



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

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

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

15 (d) Any person under age eighteen who violates this
16 section shall be subject to the jurisdiction of the family
17 court. Any person age eighteen to twenty-one who violates
18 subsection (b) or (c) shall be guilty of a petty misdemeanor.
19 The court shall order that any person under twenty-one years of
20 age found to be in violation of this section shall have, in
21 addition to any other disposition or sentencing provision
22 permitted by law, the person's license to operate a motor



1 vehicle, or the person's ability to obtain a license to operate
2 a motor vehicle, suspended as follows:

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

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

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

20 (4) For persons not licensed to drive, eligibility to
21 obtain a driver's license, provisional license, or
22 instruction permit shall be suspended until the age of



1 seventeen or for one hundred and eighty days, at the
2 discretion of the court; and

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

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

19 (e) Notwithstanding the foregoing, if a minor:

20 (1) Summons medical treatment for another minor who
21 requires such treatment as a result of consuming
22 liquor;

1 (2) Remains on the scene with the minor who is in need of
2 medical treatment until the medical treatment is
3 administered to the minor; and
4 (3) Provides his or her name, and the name of the minor
5 who is in need of medical treatment, to any emergency
6 personnel called and the medical personnel responding
7 to the summons, and cooperates with medical assistance
8 and law enforcement personnel on the scene;
9 then the minor summoning medical treatment and the minor who has
10 received medical treatment shall be immune from prosecution
11 under subsections (b) and (d). The immunity from prosecution
12 conferred under this subsection shall also apply to one or two
13 other minors acting in concert with the minor summoning medical
14 treatment, if the other minors comply with paragraphs (2) and
15 (3).

16 ~~(e)~~ (f) As used in this section, "consume" or
17 "consumption" includes the ingestion of liquor."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

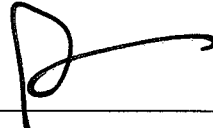
20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



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

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INTRODUCED BY:


Michelle D. Sudani
Norman Sabenap

Clarence M. Mikihe

Will E. Jew

Anna Mercedes K.

Erzanne Chun Oakland

J. F. G. G.

Arvid Y. J.

Bruce S. Kohl



Report Title:

Intoxicating Liquor; Minors; Immunity From Prosecution

Description:

Establishes an immunity from prosecution for consumption of intoxicating liquor by a minor if the minor summons medical treatment for another minor who requires such treatment as a result of consuming liquor. Also applies to the intoxicated minor and one or two other minors assisting summoning minor.

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

