



# HOUSE BILL No. 5502

March 9, 2000, Introduced by Reps. Kuipers, Scranton, Bishop, Spade, Jellema, Pappageorge, Gosselin, Vear, Voorhees, Kukuk, Basham, Rick Johnson, Richardville, Mortimer, Jelinek, Law, Hart, Faunce, Byl, Bradstreet, Patterson, Pumford, DeRossett, Kowall, Hager, Green, DeVuyst, LaSata, Shulman, Pestka, Caul, Howell and Geiger and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
by amending section 703 (MCL 436.1703), as amended by 1999 PA  
53.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 703. (1) A minor shall not purchase or attempt to pur-  
2 chase alcoholic liquor, consume or attempt to consume alcoholic  
3 liquor, or possess or attempt to possess alcoholic liquor, except  
4 as provided in this section. Notwithstanding section 909, a  
5 minor who violates this subsection is guilty of a misdemeanor  
6 punishable by the following fines and sanctions, and is not  
7 subject to the penalties prescribed in section 909:

8       (a) For the first violation, IMPRISONMENT FOR NOT MORE THAN  
9 30 DAYS OR a fine of not more than \$100.00, OR BOTH, and may be  
10 ordered to participate in substance abuse prevention or substance

1 abuse treatment and rehabilitation services as defined in section  
2 6107 of the public health code, 1978 PA 368, MCL 333.6107, and  
3 designated by the administrator of substance abuse services, and  
4 may be ordered to perform community service and to undergo sub-  
5 stance abuse screening and assessment at his or her own expense  
6 as described in subsection (3).

7 (b) For a violation of this subsection following a prior  
8 conviction or juvenile adjudication for a violation of this sub-  
9 section or section 33b(1) of former 1933 (Ex Sess) PA 8,  
10 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR a fine of not more than  
11 \$200.00, OR BOTH, and may be ordered to participate in substance  
12 abuse prevention or substance abuse treatment and rehabilitation  
13 services as defined in section 6107 of the public health code,  
14 1978 PA 368, MCL 333.6107, and designated by the administrator of  
15 substance abuse services, to perform community service, and to  
16 undergo substance abuse screening and assessment at his or her  
17 own expense as described in subsection (3).

18 (c) For a violation of this subsection following 2 or more  
19 prior convictions or juvenile adjudications for a violation of  
20 this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8,  
21 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR a fine of not more than  
22 \$500.00, OR BOTH, and may be ordered to participate in substance  
23 abuse prevention or substance abuse treatment and rehabilitation  
24 services as defined in section 6107 of the public health code,  
25 1978 PA 368, MCL 333.6107, and designated by the administrator of  
26 substance abuse services, to perform community service, and to

1 undergo substance abuse screening and assessment at his or her  
2 own expense as described in subsection (3).

3 (2) A person who furnishes fraudulent identification to a  
4 minor, or notwithstanding subsection (1) a minor who uses fraudu-  
5 lent identification to purchase alcoholic liquor, is guilty of a  
6 misdemeanor punishable by imprisonment for not more than 93 days  
7 or a fine of not more than \$100.00, or both.

8 (3) The court may order the person convicted of violating  
9 subsection (1) to undergo screening and assessment by a person or  
10 agency as designated by the substance abuse coordinating agency  
11 as defined in section 6103 of the public health code, 1978  
12 PA 368, MCL 333.6103, in order to determine whether the person is  
13 likely to benefit from rehabilitative services, including alcohol  
14 or drug education and alcohol or drug treatment programs.

15 (4) The secretary of state shall suspend the operator's or  
16 chauffeur's license of an individual convicted of violating sub-  
17 section (1) or (2) as provided in section 319 of the Michigan  
18 vehicle code, 1949 PA 300, MCL 257.319.

19 (5) A peace officer who has reasonable cause to believe a  
20 minor has consumed alcoholic liquor may require the person to  
21 submit to a preliminary chemical breath analysis. A peace offi-  
22 cer may arrest a person based in whole or in part upon the  
23 results of a preliminary chemical breath analysis. The results  
24 of a preliminary chemical breath analysis or other acceptable  
25 blood alcohol test are admissible in a criminal prosecution to  
26 determine whether the minor has consumed or possessed alcoholic  
27 liquor. A minor who refuses to submit to a preliminary chemical

1 breath test analysis as required in this subsection is  
2 responsible for a state civil infraction and may be ordered to  
3 pay a civil fine of not more than \$100.00.

4 (6) A law enforcement agency, upon determining that a person  
5 less than 18 years of age who is not emancipated under 1968  
6 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, pur-  
7 chased, or attempted to consume, possess, or purchase alcoholic  
8 liquor in violation of subsection (1) shall notify the parent or  
9 parents, custodian, or guardian of the person as to the nature of  
10 the violation if the name of a parent, guardian, or custodian is  
11 reasonably ascertainable by the law enforcement agency. The  
12 notice required by this subsection shall be made not later than  
13 48 hours after the law enforcement agency determines that the  
14 person who allegedly violated subsection (1) is less than 18  
15 years of age and not emancipated under 1968 PA 293, MCL 722.1 to  
16 722.6. The notice may be made by any means reasonably calculated  
17 to give prompt actual notice including, but not limited to,  
18 notice in person, by telephone, or by first-class mail. If an  
19 individual less than 17 years of age is incarcerated for violat-  
20 ing subsection (1), his or her parents or legal guardian shall be  
21 notified immediately as provided in this subsection.

22 (7) This section does not prohibit a minor from possessing  
23 alcoholic liquor during regular working hours and in the course  
24 of his or her employment if employed by a person licensed by this  
25 act, by the commission, or by an agent of the commission, if the  
26 alcoholic liquor is not possessed for his or her personal  
27 consumption.

1           (8) This section does not limit the civil or criminal  
2 liability of the vendor or the vendor's clerk, servant, agent, or  
3 employee for a violation of this act.

4           (9) The consumption of alcoholic liquor by a minor who is  
5 enrolled in a course offered by an accredited postsecondary edu-  
6 cational institution in an academic building of the institution  
7 under the supervision of a faculty member is not prohibited by  
8 this act if the purpose of the consumption is solely educational  
9 and is a requirement of the course.

10          (10) The consumption by a minor of sacramental wine in con-  
11 nection with religious services at a church, synagogue, or temple  
12 is not prohibited by this act.

13          (11) Subsection (1) does not apply to a minor who partici-  
14 pates in either or both of the following:

15           (a) An undercover operation in which the minor purchases or  
16 receives alcoholic liquor under the direction of the person's  
17 employer and with the prior approval of the local prosecutor's  
18 office as part of an employer-sponsored internal enforcement  
19 action.

20           (b) An undercover operation in which the minor purchases or  
21 receives alcoholic liquor under the direction of the state  
22 police, the commission, or a local police agency as part of an  
23 enforcement action unless the initial or contemporaneous purchase  
24 or receipt of alcoholic liquor by the minor was not under the  
25 direction of the state police, the commission, or the local  
26 police agency and was not part of the undercover operation.

1           (12) The state police, the commission, or a local police  
2 agency shall not recruit or attempt to recruit a minor for  
3 participation in an undercover operation at the scene of a viola-  
4 tion of subsection (1), section 801(2), or section 701(1).

5           Enacting section 1. This amendatory act takes effect 90  
6 days after the date it is enacted.