

2016 Regular Session

HOUSE BILL NO. 182

BY REPRESENTATIVE FOIL

ALCOHOLIC BEVERAGES: Provides for penalties for possession of alcoholic beverages by persons under the age of 21 years

1 AN ACT

2 To amend and reenact R.S. 14:93.12(B)(1) and (3) and to enact R.S. 14:93.12(B)(4), relative
3 to the unlawful possession of alcoholic beverages; to remove the possibility of jail
4 time as a penalty for violations; to provide with respect to the jurisdiction of the
5 court regarding certain offenders; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:93.12(B)(1) and (3) are hereby amended and reenacted and R.S.
8 14:93.12(B)(4) is hereby enacted to read as follows:

9 §93.12. Purchase and public possession of alcoholic beverages; exceptions;
10 penalties

11 * * *

12 B.(1) Whoever violates the provisions of this Section shall be fined not more
13 than one hundred dollars ~~or imprisoned for not more than six months, or both.~~

14 * * *

15 (3) Notwithstanding any other provision of law to the contrary, any person
16 seventeen years of age who is apprehended while violating the provisions of this
17 Section shall be subject to a court exercising juvenile jurisdiction and shall be subject
18 to delinquency proceedings pursuant to Title VIII of the Louisiana Children's Code.

19 (4) In addition to the penalties provided in Paragraph (1) of this Subsection,
20 the driver's license of any person violating the provisions of this Section may be

1 suspended upon conviction, plea of guilty, or nolo contendere for a period of one
2 hundred eighty days. Upon conviction, plea of guilty, or nolo contendere, the court
3 shall surrender the driver's license to the Department of Public Safety and
4 Corrections for suspension in accordance with the provisions of this Section. Upon
5 first conviction, the court may issue an order which authorizes the department to
6 issue a restricted driver's license upon a demonstration to the court that a hardship
7 would result from being unable to drive to school or work. Such restrictions shall
8 be determined by the court.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 182 Original

2016 Regular Session

Foil

Abstract: Removes the possibility of jail time for possession of alcoholic beverages by persons under 21 years of age, and provides that 17-year olds shall be subject to delinquency proceedings for alcohol possession violations.

Present law prohibits the "public possession" of any alcoholic beverage by persons under 21 years of age and defines "public possession" as the possession of any alcoholic beverage for any reason including consumption, on any street, highway, or waterway or in any public place or any place open to the public, including a club which is de facto open to the public.

Present law provides penalties of a fine of not more than \$100, or imprisonment for not more than six months, or both.

Proposed law removes the possibility of jail time from the penalty provision and otherwise retains present law.

Present law provides that any person apprehended violating present law shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations.

Present law, generally, provides that persons under the age of 17 who commit delinquent acts are subject to juvenile court, and persons from ages 17 and up are subject to adult criminal court. Proposed law retains present law except it moves 17-year olds to juvenile court for the purposes of this crime.

(Amends R.S. 14:93.12(B)(1) and (3); Adds R.S. 14:93.12(B)(4))