

2016 Regular Session

HOUSE BILL NO. 182

BY REPRESENTATIVE FOIL

ALCOHOLIC BEVERAGES: Provides with respect to the 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 (2), relative to the unlawful possession of  
3 alcoholic beverages; to remove the possibility of jail time as a penalty for violations;  
4 to provide relative to the criminal history record of a person issued a citation for the  
5 unlawful possession of alcoholic beverages; 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 (2) are hereby amended and reenacted to read as  
8 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 (2) Any person apprehended while violating the provisions of this Section  
15 shall be issued a citation by the apprehending law enforcement officer, which shall  
16 be paid in the same manner as provided for the offenders of local traffic violations.  
17 A citation issued by a law enforcement officer for such violation shall not be  
18 included on the person's criminal history record.

19 \* \* \*

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**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)]

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HB 182 Engrossed

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 a citation issued by a law enforcement officer for such violation shall not be included on the person's criminal history record.

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 for 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.

Proposed law retains present law and provides that a citation issued by a law enforcement officer for a violation of this present law offense of underage possession of an alcoholic beverage shall not be included on the person's criminal history record.

(Amends R.S. 14:93.12(B)(1) and (2))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Adds language providing that a citation issued by a law enforcement officer for a violation of this present law offense of underage possession of an alcoholic beverage shall not be included on the person's criminal history record.
2. Deletes the provision which would have required 17-year-olds to be subject to juvenile court jurisdiction for a violation of this present law offense.