

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 374

An Act to amend and reenact § 4.1-305 of the Code of Virginia, relating to illegal purchase or possession of alcohol; restricted license.

[H 1815]

Approved March 18, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-305 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-305. Purchasing or possessing alcoholic beverages unlawful in certain cases; exceptions; penalty; forfeiture.

A. No person to whom an alcoholic beverage may not lawfully be sold under § 4.1-304 shall purchase or possess any alcoholic beverage, except (i) pursuant to subdivisions 1 through 7 of § 4.1-200; (ii) where possession of the alcoholic beverages by a person less than twenty-one years of age is due to such person's making a delivery of alcoholic beverages in pursuance of his employment or an order of his parent; or (iii) by any state, federal, or local law-enforcement officer when possession of an alcoholic beverage is necessary in the performance of his duties.

B. Any person found guilty of a violation of this section shall be guilty of a Class 1 misdemeanor; and upon conviction, such person's license to operate a motor vehicle in the Commonwealth may be suspended for a period of not more than one year. *The court, in its discretion and upon a demonstration of hardship, may authorize any person convicted of a violation of this section the use of a restricted permit to operate a motor vehicle in accordance with the provisions of subsection D of § 16.1-278.9.*

C. Any alcoholic beverage purchased or possessed in violation of this section shall be deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-338.