

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 730

An Act to amend and reenact § 4.1-305 of the Code of Virginia, relating to alcoholic beverage control; use of false identification; penalty.

[H 603]

Approved April 6, 1996

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, *or attempt to 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. No person under the age of twenty-one years shall use or attempt to use any (i) altered, fictitious, facsimile or simulated license to operate a motor vehicle; (ii) altered, fictitious, facsimile or simulated document, including, but not limited to a birth certificate or student identification card; or (iii) motor vehicle operator's license, birth certificate or student identification card of another person in order to establish a false identification or false age for himself to purchase or attempt to purchase an alcoholic beverage.

~~B.~~ C. Any person found guilty of a violation of this section shall be guilty of a Class 1 misdemeanor; and upon conviction, *(i) such person shall be ordered to pay a fine of at least \$500 or ordered to perform a minimum of fifty hours of community service and (ii) 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. However, the sentence imposed pursuant to clause (i) of this subsection shall not be suspended.*

~~C.~~ D. 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.

E. Any retail licensee who in good faith promptly notifies the Board or any state or local law-enforcement agency of a violation or suspected violation of this section shall be accorded immunity from an administrative penalty for a violation of § 4.1-304.