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HOUSE BILL NO. 603

House Amendments in [] — January 29, 1996

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

Patrons—Cantor, Albo, Almand, Barlow, Croshaw, Diamonstein, Fisher, Grayson, Hamilton, Harris, Hull, Moran, O'Brien, Phillips, Puller, Reid, Wagner, Watts and Wilkins; Senators: Barry, Bolling, Couric, Gartlan, Hanger, Howell, Lucas, Newman, Reasor, Saslaw, Schrock, Stolle, Ticer, Trumbo, Williams and Woods

Referred to Committee on General Laws

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.

Notwithstanding any other provision of law, the sentence imposed for a violation of this section shall not be suspended in whole or in part, nor shall any person convicted pursuant to this section be placed on probation.

~~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.

ENGROSSED

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