

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 603]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 4.1-305 of the Code of Virginia is amended and reenacted as follows:**8 § 4.1-305. Purchasing or possessing alcoholic beverages unlawful in certain cases; exceptions;
9 penalty; forfeiture.

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

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

23 ~~B.~~ C. Any person found guilty of a violation of this section shall be guilty of a Class 1
24 misdemeanor; and upon conviction, *(i) such person shall be ordered to pay a fine of at least \$500 or*
25 *ordered to perform a minimum of fifty hours of community service and (ii) such person's license to*
26 *operate a motor vehicle in the Commonwealth may be suspended for a period of not more than one*
27 *year. The court, in its discretion and upon a demonstration of hardship, may authorize any person*
28 *convicted of a violation of this section the use of a restricted permit to operate a motor vehicle in*
29 *accordance with the provisions of subsection D of § 16.1-278.9. However, the sentence imposed*
30 *pursuant to clause (i) of this subsection shall not be suspended.*

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

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

ENROLLED

HB603ER