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HOUSE BILL NO. 603

Offered January 19, 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.*

BC. 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.

CD. 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.*

INTRODUCED

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