

HOUSE BILL No. 6170

June 5, 2002, Introduced by Rep. Scranton and referred to the Committee on Criminal Justice.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 703. (1) A minor shall not purchase or attempt to pur-
2 chase alcoholic liquor, consume or attempt to consume alcoholic
3 liquor, or possess or attempt to possess alcoholic liquor, except
4 as provided in this section. Notwithstanding section 909, a
5 minor who violates this subsection is guilty of a misdemeanor
6 punishable by the following fines and sanctions, and is not
7 subject to the penalties prescribed in section 909:

8 (a) For the first violation a fine of not more than
9 ~~-\$100.00,~~ \$200.00. THE COURT SHALL ORDER THE INDIVIDUAL TO
10 UNDERGO SUBSTANCE ABUSE SCREENING AND ASSESSMENT AT HIS OR HER

1 OWN EXPENSE AS DESCRIBED IN SUBSECTION (3) and may ~~be ordered~~
2 ORDER THE INDIVIDUAL to participate in substance abuse prevention
3 or substance abuse treatment and rehabilitation services as
4 defined in section 6107 of the public health code, 1978 PA 368,
5 MCL 333.6107, and designated by the administrator of substance
6 abuse services. ~~, and may be ordered~~ THE COURT SHALL ORDER THE
7 INDIVIDUAL to perform NOT MORE THAN 40 HOURS OF community service
8 and to ~~undergo substance abuse screening and assessment at his~~
9 ~~or her own expense as described in subsection (3)~~ PARTICIPATE IN
10 AN ALCOHOL AWARENESS PROGRAM APPROVED BY THE COURT IF SUCH A PRO-
11 GRAM IS AVAILABLE IN THAT COMMUNITY.

12 (b) For a violation of this subsection following a prior
13 conviction or juvenile adjudication for a violation of this sub-
14 section or section 33b(1) of former 1933 (Ex Sess) PA 8, a fine
15 of not more than ~~-\$200.00,~~ \$400.00. THE COURT SHALL ORDER THE
16 INDIVIDUAL TO UNDERGO SUBSTANCE ABUSE SCREENING AND ASSESSMENT AT
17 HIS OR HER OWN EXPENSE AS DESCRIBED IN SUBSECTION (3) and may ~~be~~
18 ~~ordered~~ ORDER THE INDIVIDUAL to participate in substance abuse
19 prevention or substance abuse treatment and rehabilitation serv-
20 ices as defined in section 6107 of the public health code, 1978
21 PA 368, MCL 333.6107, and designated by the administrator of sub-
22 stance abuse services. ~~—~~ THE COURT SHALL ORDER THE INDIVIDUAL
23 to perform NOT MORE THAN 60 HOURS OF community service ~~—~~ and to
24 ~~undergo substance abuse screening and assessment at his or her~~
25 ~~own expense as described in subsection (3)~~ PARTICIPATE IN AN
26 ALCOHOL AWARENESS PROGRAM APPROVED BY THE COURT IF SUCH A PROGRAM
27 IS AVAILABLE IN THAT COMMUNITY.

1 (c) For a violation of this subsection following 2 or more
2 prior convictions or juvenile adjudications for a violation of
3 this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8,
4 a fine of not more than ~~-\$500.00,~~ \$1,000.00. THE COURT SHALL
5 ORDER THE INDIVIDUAL TO UNDERGO SUBSTANCE ABUSE SCREENING AND
6 ASSESSMENT AT HIS OR HER OWN EXPENSE AS DESCRIBED IN
7 SUBSECTION (3) and may ~~be ordered~~ ORDER THE INDIVIDUAL to par-
8 ticipate in substance abuse prevention or substance abuse treat-
9 ment and rehabilitation services as defined in section 6107 of
10 the public health code, 1978 PA 368, MCL 333.6107, and designated
11 by the administrator of substance abuse services. ~~—~~ THE COURT
12 SHALL ORDER THE INDIVIDUAL to perform NOT MORE THAN 100 HOURS OF
13 community service ~~—~~ and to ~~undergo substance abuse screening~~
14 ~~and assessment at his or her own expense as described in subsec-~~
15 ~~tion (3)~~ PARTICIPATE IN AN ALCOHOL AWARENESS PROGRAM APPROVED BY
16 THE COURT IF SUCH A PROGRAM IS AVAILABLE IN THAT COMMUNITY.

17 (2) A person who furnishes fraudulent identification to a
18 minor, or notwithstanding subsection (1) a minor who uses fraudu-
19 lent identification to purchase alcoholic liquor, is guilty of a
20 misdemeanor punishable by imprisonment for not more than 93 days
21 or a fine of not more than ~~-\$100.00~~ \$200.00, or both. THE COURT
22 SHALL ORDER A MINOR CONVICTED OF USING FALSE IDENTIFICATION TO
23 PURCHASE ALCOHOLIC LIQUOR IN VIOLATION OF THIS SUBSECTION TO
24 UNDERGO SUBSTANCE ABUSE TREATMENT SCREENING AND ASSESSMENT AT HIS
25 OR HER OWN EXPENSE AS DESCRIBED IN SUBSECTION (3) AND MAY ORDER
26 THE MINOR TO PARTICIPATE IN SUBSTANCE ABUSE PREVENTION OR
27 SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES AS DEFINED

1 IN SECTION 6107 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
2 333.6107, AND DESIGNATED BY THE ADMINISTRATOR OF SUBSTANCE ABUSE
3 SERVICES. THE COURT SHALL ORDER THE MINOR TO PERFORM NOT MORE
4 THAN 20 HOURS OF COMMUNITY SERVICE AND TO PARTICIPATE IN AN ALCO-
5 HOL AWARENESS PROGRAM APPROVED BY THE COURT.

6 (3) The court ~~may~~ SHALL order ~~the person~~ A MINOR con-
7 victed of violating subsection (1) OR (2) to undergo screening
8 and assessment by a person or agency as designated by the sub-
9 stance abuse coordinating agency as defined in section 6103 of
10 the public health code, 1978 PA 368, MCL 333.6103, in order to
11 determine whether ~~the person~~ HE OR SHE is likely to benefit
12 from rehabilitative services, including alcohol or drug education
13 and alcohol or drug treatment programs.

14 (4) The secretary of state shall suspend the operator's or
15 chauffeur's license of an individual convicted of violating sub-
16 section (1) or (2) as provided in section 319 of the Michigan
17 vehicle code, 1949 PA 300, MCL 257.319.

18 (5) A peace officer who has reasonable cause to believe a
19 minor has consumed alcoholic liquor may require the person to
20 submit to a preliminary chemical breath analysis. A peace offi-
21 cer may arrest a person based in whole or in part upon the
22 results of a preliminary chemical breath analysis. The results
23 of a preliminary chemical breath analysis or other acceptable
24 blood alcohol test are admissible in a criminal prosecution to
25 determine whether the minor has consumed or possessed alcoholic
26 liquor. A minor who refuses to submit to a preliminary chemical
27 breath test analysis as required in this subsection is

1 responsible for a state civil infraction and may be ordered to
2 pay a civil fine of not more than \$100.00.

3 (6) A law enforcement agency, upon determining that a person
4 less than 18 years of age who is not emancipated under 1968
5 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, pur-
6 chased, or attempted to consume, possess, or purchase alcoholic
7 liquor in violation of subsection (1) shall notify the parent or
8 parents, custodian, or guardian of the person as to the nature of
9 the violation if the name of a parent, guardian, or custodian is
10 reasonably ascertainable by the law enforcement agency. The
11 notice required by this subsection shall be made not later than
12 48 hours after the law enforcement agency determines that the
13 person who allegedly violated subsection (1) is less than 18
14 years of age and not emancipated under 1968 PA 293, MCL 722.1 to
15 722.6. The notice may be made by any means reasonably calculated
16 to give prompt actual notice including, but not limited to,
17 notice in person, by telephone, or by first-class mail. If an
18 individual less than 17 years of age is incarcerated for violat-
19 ing subsection (1), his or her parents or legal guardian shall be
20 notified immediately as provided in this subsection.

21 (7) This section does not prohibit a minor from possessing
22 alcoholic liquor during regular working hours and in the course
23 of his or her employment if employed by a person licensed by this
24 act, by the commission, or by an agent of the commission, if the
25 alcoholic liquor is not possessed for his or her personal
26 consumption.

1 (8) This section does not limit the civil or criminal
2 liability of the vendor or the vendor's clerk, servant, agent, or
3 employee for a violation of this act.

4 (9) The consumption of alcoholic liquor by a minor who is
5 enrolled in a course offered by an accredited postsecondary edu-
6 cational institution in an academic building of the institution
7 under the supervision of a faculty member is not prohibited by
8 this act if the purpose of the consumption is solely educational
9 and is a requirement of the course.

10 (10) The consumption by a minor of sacramental wine in con-
11 nection with religious services at a church, synagogue, or temple
12 is not prohibited by this act.

13 (11) Subsection (1) does not apply to a minor who partici-
14 pates in either or both of the following:

15 (a) An undercover operation in which the minor purchases or
16 receives alcoholic liquor under the direction of the person's
17 employer and with the prior approval of the local prosecutor's
18 office as part of an employer-sponsored internal enforcement
19 action.

20 (b) An undercover operation in which the minor purchases or
21 receives alcoholic liquor under the direction of the state
22 police, the commission, or a local police agency as part of an
23 enforcement action unless the initial or contemporaneous purchase
24 or receipt of alcoholic liquor by the minor was not under the
25 direction of the state police, the commission, or the local
26 police agency and was not part of the undercover operation.

1 (12) The state police, the commission, or a local police
2 agency shall not recruit or attempt to recruit a minor for
3 participation in an undercover operation at the scene of a viola-
4 tion of subsection (1), ~~section 801(2), or~~ section 701(1), OR
5 SECTION 801(2).