

HOUSE BILL NO. HB0248

Minors possessing alcohol or controlled substances.

Sponsored by: Representative(s) Harshman, Hinckley, Watt
and White and Senator(s) Barrasso and Vasey

A BILL

for

1 AN ACT relating to crimes and offenses; modifying penalties
2 for minors possessing alcohol or being under the influence
3 of alcohol or controlled substances; modifying penalties
4 for the offense of providing alcohol to minors; modifying
5 penalties for minors with detectable alcohol concentrations
6 operating vehicles; requiring municipal ordinances for
7 unlawful possession of alcohol by a minor to subject
8 offenders to specified penalties and sentencing
9 requirements; requiring substance abuse assessments; and
10 providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 12-6-101(a), (b) (intro), (c), (d) and
15 by creating new subsections (f) and (g) and 31-5-234(e) are
16 amended to read:

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2 **12-6-101. Sale or possession prohibited; when**
3 **possession unlawful; public drunkenness; falsification of**
4 **identification; penalty; prima facie identification as**
5 **defense.**

6

7 (a) Any person who sells, furnishes, gives or causes
8 to be sold, furnished or given away any alcoholic liquor or
9 malt beverage to any person under the age of twenty-one
10 (21) years, who is not his legal ward, medical patient or
11 member of his own immediate family, is guilty of a
12 misdemeanor, punishable by a fine of not more than seven
13 hundred fifty dollars (\$750.00), imprisonment for not more
14 than six (6) months, or both. This subsection does not
15 apply to sales by the commission or a wholesaler to a
16 licensee under this title.

17

18 (b) Any person under the age of twenty-one (21) years
19 who has any alcoholic or malt beverage in his possession or
20 who is drunk or under the influence of alcoholic liquor,
21 malt beverages or a controlled substance on any street or
22 highway or in any public place is guilty of a misdemeanor
23 punishable by a fine of not more than seven hundred fifty
24 dollars (\$750.00), imprisonment for not more than six (6)

1 months, or both, for a first conviction. A second
2 conviction under this subsection shall be punishable by a
3 fine of not less than two hundred dollars (\$200.00), nor
4 more than seven hundred fifty dollars (\$750.00),
5 imprisonment for not less than six (6) months, or both. A
6 third or subsequent conviction under this subsection shall
7 be punishable by a fine of not less than seven hundred
8 fifty dollars (\$750.00) nor more than one thousand dollars
9 (\$1,000.00), imprisonment for not less than six (6) months,
10 or both. The court shall order the person to undergo a
11 substance abuse assessment conducted by a substance abuse
12 provider certified by the department of health pursuant to
13 W.S. 9-2-2701(c) at or before sentencing and complete any
14 recommended treatment for a second or subsequent conviction
15 under this subsection as a condition of probation. This
16 subsection does not apply to possession of alcoholic or
17 malt beverages by a person under the age of twenty-one (21)
18 years:

19

20 (c) Any person under the age of twenty-one (21) years
21 who attempts in any manner to purchase alcoholic or malt
22 beverages or who falsifies any identification or uses any
23 false identification in order to obtain alcoholic or malt
24 beverages is guilty of a misdemeanor punishable by a fine

1 of not more than seven hundred fifty dollars (\$750.00),
2 imprisonment for not more than six (6) months, or both for
3 a first conviction. A second conviction under this
4 subsection shall be punishable by a fine of not less than
5 two hundred dollars (\$200.00), nor more than seven hundred
6 fifty dollars (\$750.00), imprisonment for not less than six
7 (6) months, or both. A third or subsequent offense under
8 this subsection shall be punishable by a fine of not less
9 than seven hundred fifty dollars (\$750.00) nor more than
10 one thousand dollars (\$1,000.00), imprisonment for not less
11 than six (6) months, or both.

12

13 (d) Any person who violates this section, or aids,
14 abets or incites any violation hereof, is guilty of a
15 misdemeanor, punishable to the same extent as the principal
16 offense.

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18 (f) For any fine imposed under this section, the
19 court may allow the defendant to perform community service
20 and be granted credit against his fine and court costs at
21 the rate of five dollars (\$5.00) for each hour of work
22 performed.

23

1 (g) Notwithstanding any other court rule or provision
2 of law, any minor charged with a violation of subsection
3 (b) or (c) of this section shall appear in court with a
4 parent or legal guardian and shall not be permitted to
5 forfeit bond in lieu of appearance.

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7 **31-5-234. Unlawful operation of vehicle by youthful**
8 **driver with detectable alcohol concentration; penalty.**

9
10 (e) A person convicted of violating this section
11 shall be guilty of a misdemeanor punishable by a fine of
12 not more than seven hundred fifty dollars (\$750.00), by
13 imprisonment for not more than six (6) months, or both. A
14 person convicted of violating this section a second time
15 within one (1) year of the first conviction is guilty of a
16 misdemeanor punishable by imprisonment for not more than
17 one (1) month six (6) months, a fine of not ~~more~~ less than
18 two hundred dollars (\$200.00) nor more than seven hundred
19 fifty dollars (\$750.00), or both. A person convicted of a
20 third or subsequent conviction under this section within
21 two (2) years shall be guilty of a misdemeanor punishable
22 by imprisonment for not more than six (6) months, a fine of
23 not ~~more~~ less than seven hundred fifty dollars (\$750.00)
24 nor more than one thousand dollars (\$1,000.00), or both.

1 The court ~~may~~shall order the person to undergo a substance
2 abuse assessment conducted by a substance abuse provider
3 certified by the department of health pursuant to W.S.
4 9-2-2701(c) at or before sentencing and complete any
5 recommended treatment for any conviction under this section
6 as a condition of probation. Notwithstanding any other
7 provision of law, the term of probation imposed by a judge
8 under this section may exceed the maximum term of
9 imprisonment established for the offense under this
10 subsection provided the term of probation together with any
11 extension thereof, shall in no case exceed three (3) years.

12

13 **Section 2.** This act is effective July 1, 2005.

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(END)