

## HOUSE BILL No. 2378

By Committee on Judiciary

2-9

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9 AN ACT concerning crimes and punishment; relating to furnishing al-  
10 coholic beverages to minors; concerning unlawfully hosting minors;  
11 amending K.S.A. 2004 Supp. 21-3610 and 21-3610c and repealing the  
12 existing sections.  
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2004 Supp. 21-3610 is hereby amended to read as  
16 follows: 21-3610. (a) Furnishing alcoholic liquor or cereal malt beverage  
17 to a minor is directly or indirectly, selling to, buying for, giving or fur-  
18 nishing any alcoholic liquor or cereal malt beverage to any minor.

19 (b) Furnishing alcoholic liquor or cereal malt beverage to a minor is  
20 a class B person misdemeanor for which the minimum fine is \$200.

21 (c) As used in this section, terms have the meanings provided by  
22 K.S.A. 41-102, 41-2601 and 41-2701, and amendments thereto.

23 (d) It shall be a defense to a prosecution under this section if: (1) The  
24 defendant is a licensed retailer, club, drinking establishment or caterer  
25 or holds a temporary permit, or an employee thereof; (2) the defendant  
26 sold the alcoholic liquor or cereal malt beverage to the minor with rea-  
27 sonable cause to believe that the minor was 21 or more years of age or  
28 of legal age for the consumption of alcoholic liquor or cereal malt bev-  
29 erage; and (3) to purchase the alcoholic liquor or cereal malt beverage,  
30 the person exhibited to the defendant a driver's license, Kansas non-  
31 driver's identification card or other official or apparently official docu-  
32 ment, containing a photograph of the minor and purporting to establish  
33 that such minor was 21 or more years of age or of legal age for the  
34 consumption of alcoholic liquor or cereal malt beverage.

35 (e) This section shall not apply to the furnishing of cereal malt bev-  
36 erage by a parent or legal guardian to such parent's child or such  
37 guardian's ward when such furnishing is permitted and supervised by the  
38 child or ward's parent or legal guardian *in such parent or guardian's*  
39 *residence.*

40 (f) *This section shall not apply to the furnishing of wine by an au-*  
41 *thorized representative of any church for the purpose of conducting any*  
42 *bona fide rite or religious ceremony conducted by such church.*

43 Sec. 2. K.S.A. 2004 Supp. 21-3610c is hereby amended to read as

1 follows: 21-3610c. (a) Unlawfully hosting minors consuming alcoholic liq-  
2 uor or cereal malt beverage is intentionally permitting a person's resi-  
3 dence or any land, building, structure or room owned, occupied or pro-  
4 cured by such person to be used by an invitee of such person or an invitee  
5 of such person's child or ward, in a manner that results in the possession  
6 or consumption therein of alcoholic liquor or cereal malt beverages by  
7 persons under the age of 18.

8 (b) Unlawfully hosting minors consuming alcoholic liquor or cereal  
9 malt beverage is a class B person misdemeanor, for which the minimum  
10 fine is \$200.

11 (c) As used in this section, terms have the meanings provided by  
12 K.S.A. 41-102, and amendments thereto, except for the purposes of this  
13 section, "minor" means a person under the age of 18.

14 (d) *This section shall not apply to the furnishing of wine by an au-*  
15 *thorized representative of any church for the purpose of conducting any*  
16 *bona fide rite or religious ceremony conducted by such church.*

17 (e) This section shall be a part of and supplemental to the Kansas  
18 criminal code.

19 Sec. 3. K.S.A. 2004 Supp. 21-3610 and 21-3610c are hereby  
20 repealed.

21 Sec. 4. This act shall take effect and be in force from and after its  
22 publication in the statute book.