

SENATE BILL No. 478

By Committee on Judiciary

1-31

9 AN ACT concerning crime, criminal procedure and punishment; relating
10 to purchase or consumption of alcoholic beverage by a minor; penal-
11 ties; amending K.S.A. 2005 Supp. 41-727 and repealing the existing
12 section.

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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2005 Supp. 41-727 is hereby amended to read as
16 follows: 41-727. (a) Except with regard to serving of alcoholic liquor or
17 cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-727a,
18 41-2610, 41-2652, 41-2704 and 41-2727, and amendments thereto, and
19 subject to any rules and regulations adopted pursuant to such statutes,
20 no person under 21 years of age shall possess, consume, obtain, purchase
21 or attempt to obtain or purchase alcoholic liquor or cereal malt beverage
22 except as authorized by law.

23 (b) Violation of this section by a person 18 or more years of age but
24 less than 21 years of age is a class C misdemeanor for which the minimum
25 fine is \$200.

26 (c) Any person less than 18 years of age who violates this section is a
27 juvenile offender under the Kansas juvenile justice code. Upon adjudi-
28 cation thereof and as a condition of disposition, the court shall require
29 the offender to pay a fine of not less than \$200 nor more than \$500.

30 (d) In addition to any other penalty provided for a violation of this
31 section: (1) The court ~~may~~ *shall* order the offender to do either or both
32 of the following:

33 (A) Perform 40 hours of public service; or

34 (B) attend and satisfactorily complete a suitable educational or train-
35 ing program dealing with the effects of alcohol or other chemical sub-
36 stances when ingested by humans; and

37 (2) upon a first conviction of a violation of this section, the court shall
38 order the division of vehicles to suspend the driving privilege of such
39 offender for 30 days. Upon receipt of the court order, the division shall
40 notify the violator and suspend the driving privileges of the violator for
41 30 days whether or not that person has a driver's license.

42 (3) Upon a second conviction of a violation of this section, the court
43 shall order the division of vehicles to suspend the driving privilege of such

1 offender for 90 days. Upon receipt of the court order, the division shall
2 notify the violator and suspend the driving privileges of the violator for
3 90 days whether or not that person has a driver's license.

4 (4) Upon a third or subsequent conviction of a violation of this sec-
5 tion, the court shall order the division of vehicles to suspend the driving
6 privilege of such offender for one year. Upon receipt of the court order,
7 the division shall notify the violator and suspend the driving privileges of
8 the violator for one year whether or not that person has a driver's license.

9 (e) This section shall not apply to the possession and consumption of
10 cereal malt beverage by a person under the legal age for consumption of
11 cereal malt beverage when such possession and consumption is permitted
12 and supervised, and such beverage is furnished, by the person's parent
13 or legal guardian.

14 (f) Any city ordinance or county resolution prohibiting the acts pro-
15 hibited by this section shall provide a minimum penalty which is not less
16 than the minimum penalty prescribed by this section.

17 (g) This section shall be part of and supplemental to the Kansas liquor
18 control act.

19 Sec. 2. K.S.A. 2005 Supp. 41-727 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its
21 publication in the statute book.