

HOUSE BILL No. 2699

By Committee on Judiciary

2-9

1 AN ACT concerning crimes and punishments; relating to furnishing
2 alcoholic liquor or cereal malt beverages to a minor; amending K.S.A.
3 2011 Supp. 21-5607 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2011 Supp. 21-5607 is hereby amended to read as
7 follows: 21-5607. (a) Furnishing alcoholic liquor or cereal malt
8 beverage to a minor is recklessly, directly or indirectly, buying for or
9 distributing any alcoholic liquor or cereal malt beverage to any minor.

10 (b) Furnishing alcoholic beverages to a minor for illicit purposes is,
11 directly or indirectly, buying for or distributing alcoholic liquor or cereal
12 malt beverage to a child under 18 years of age with the intent to commit
13 against such child, or to encourage or induce such child to commit or
14 participate in, any act defined as a crime in K.S.A. 2011 Supp. 21-5501
15 through 21-5513, and amendments thereto, or in K.S.A. 2011 Supp. 21-
16 5604, and amendments thereto.

17 (c) (1) Furnishing alcoholic liquor or cereal malt beverage to a minor
18 is a class B person misdemeanor, for which the minimum fine is ~~\$200~~
19 *\$500 for a first violation, \$750 for a second violation and \$1,000 for a*
20 *third or subsequent violation.*

21 (2) Furnishing alcoholic beverages to a minor for illicit purposes is a
22 severity level 9, person felony.

23 (d) *In addition to any other penalty provided for a violation of this*
24 *section:*

25 (1) *The court may order the offender to do either or both of the*
26 *following:*

27 (A) *Perform 40 hours of public service; or*

28 (B) *attend and satisfactorily complete a suitable educational or*
29 *training program dealing with the effects of alcohol or other chemical*
30 *substances when ingested by humans.*

31 (2) *Upon a first conviction of a violation of this section, the court*
32 *shall order the division of vehicles to suspend the driving privilege of such*
33 *offender for 30 days. Upon receipt of the court order, the division shall*
34 *notify the violator and suspend the driving privileges of the violator for 30*
35 *days whether or not that person has a driver's license.*

36 (3) *Upon a second conviction of a violation of this section, the court*

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

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

11 ~~(d)~~ *(e) As used in this section, terms mean the same as in K.S.A. 41-*
12 *102, 41-2601 and 41-2701, and amendments thereto.*

13 ~~(e)~~ *(f) This section shall not apply to wine intended for use and used*
14 *by any church or religious organization for sacramental purposes.*

15 ~~(f)~~ *(g) It shall be a defense to a prosecution under subsection (a) if:*

16 *(1) The defendant is a licensed retailer, club, drinking establishment*
17 *or caterer or holds a temporary permit, or an employee thereof;*

18 *(2) the defendant sold the alcoholic liquor or cereal malt beverage to*
19 *the minor with reasonable cause to believe that the minor was 21 or more*
20 *years of age or of legal age for the consumption of alcoholic liquor or*
21 *cereal malt beverage; and*

22 *(3) to purchase the alcoholic liquor or cereal malt beverage, the*
23 *person exhibited to the defendant a driver's license, Kansas nondriver's*
24 *identification card or other official or apparently official document, that*
25 *reasonably appears to contain a photograph of the minor and purporting to*
26 *establish that such minor was 21 or more years of age or of legal age for*
27 *the consumption of alcoholic liquor or cereal malt beverage.*

28 ~~(g) Subsection (a)~~ *(h) This section shall not apply to the furnishing*
29 *of cereal malt beverage by a parent or legal guardian to such parent's child*
30 *18 or more years of age or such guardian's ward 18 or more years of age*
31 *when such furnishing is permitted and supervised by the child's or ward's*
32 *parent or legal guardian.*

33 *Sec. 2. K.S.A. 2011 Supp. 21-5607 is hereby repealed.*

34 *Sec. 3. This act shall take effect and be in force from and after its*
35 *publication in the statute book.*

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