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FILED

2007 MAR 28 PM 3: 35

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

House Bill No. 2745

(By Delegates Wysong, Tabb, Stemple, Pino,
Staggers, Shaver, Ellis, Stephens, Rodighiero and Paxton)



Passed March 10, 2007

In Effect Ninety Days from Passage

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H. B. 2745

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(BY DELEGATES WYSONG, TABB, STEMPLER, PINO,
STAGGERS, SHAVER, ELLIS, STEPHENS, RODIGHIERO AND
PAXTON)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §60-3A-24 of the Code of West Virginia, 1931, as amended, relating to increasing the fine for furnishing alcohol to persons under 21 years of age.

Be it enacted by the Legislature of West Virginia:

That §60-3A-24 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3A. SALES BY RETAIL LIQUOR LICENSEES.

§60-3A-24. Unlawful acts by persons.

1 (a) (1) Any person who is eighteen or over but under the
2 age of twenty-one years who purchases, consumes, sells,
3 serves or possesses alcoholic liquor is guilty of a
4 misdemeanor and, upon conviction thereof, shall be fined an
5 amount not to exceed five hundred dollars or shall be
6 incarcerated in jail for a period not to exceed seventy-two
7 hours, or both fined and imprisoned or, in lieu of such fine
8 and incarceration, may, for the first offense, be placed on
9 probation for a period not to exceed one year. Any person
10 who is under eighteen years who purchases, consumes, sells,
11 serves or possesses alcoholic liquor is guilty of a status
12 offense, as that term is defined in section four, article one,
13 chapter forty-nine of this code and, upon adjudication

14 therefor, shall be referred to the Department of Health and
15 Human Resources for services, as provided in section eleven,
16 article five of said chapter.

17 (2) Nothing in this article, nor any rule or regulation of
18 the commissioner, shall prevent or be deemed to prohibit any
19 person who is at least eighteen years of age from serving in
20 the lawful employment of a licensee which includes the sale
21 and serving of alcoholic liquor.

22 (3) Nothing in this subsection shall prohibit a person who
23 is at least eighteen years of age from purchasing or
24 possessing alcoholic liquor when he or she is acting upon the
25 request of or under the direction and control of any member
26 of a state, federal or local law-enforcement agency or the
27 West Virginia Alcohol Beverage Administration while the
28 agency is conducting an investigation or other activity
29 relating to the enforcement of the alcohol beverage control
30 statutes and the rules and regulations of the commissioner.

31 (b) Any person under the age of twenty-one years who,
32 for the purpose of purchasing liquor from a retail licensee,
33 misrepresents his or her age or who for such purpose presents
34 or offers any written evidence of age which is false,
35 fraudulent or not actually his or her own or who illegally
36 attempts to purchase liquor from a retail licensee is guilty of
37 a misdemeanor and, upon conviction thereof, shall be fined
38 an amount not to exceed fifty dollars or imprisoned in jail for
39 a period not to exceed seventy-two hours, or both fined and
40 imprisoned or, in lieu of such fine and imprisonment, may,
41 for the first offense, be placed on probation for a period not
42 exceeding one year.

43 (c) Any person who knowingly buys for, gives to or
44 furnishes to anyone under the age of twenty-one to whom he
45 or she is not related by blood or marriage any liquor from
46 whatever source is guilty of a misdemeanor and, upon
47 conviction thereof, shall be fined an amount not to exceed
48 two hundred fifty dollars or imprisoned in jail for a period
49 not to exceed ten days, or both fined and imprisoned.

50 (d) No person while on the premises of a retail outlet may
51 consume liquor or break the seal on any package or bottle of
52 liquor. Any person who violates the provisions of this
53 subsection is guilty of a misdemeanor and, upon conviction
54 thereof, shall be fined an amount not to exceed one hundred
55 dollars or imprisoned in jail for a period not to exceed ten
56 days, or both fined and imprisoned.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



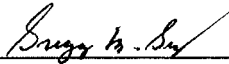
Chairman House Committee

Originating in the House.

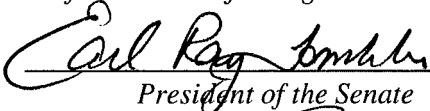
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is appended this the 28th
day of March, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 21 2007

Time 4:05 pm