

**Senate Bill No. 549**

(By Senators K. Facemyer, Stollings and Kessler (Mr. President))

[Introduced February 9, 2012; referred to the Committee on the  
Judiciary.]

**FISCAL  
NOTE**

A BILL to amend and reenact §60-3A-24 of the Code of West Virginia, 1931, as amended, relating generally to penalties and crimes involving sales of liquor; requiring community service instead of the option of jail time for persons who furnish alcohol to those under the age of twenty-one; and requiring community service instead of the option of jail time for those who drink on the premises of a liquor store.

*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.**

(a) (1) Any person who is under the age of twenty-one years who purchases, consumes, sells, serves or possesses alcoholic

1 liquor is guilty of a misdemeanor and, upon conviction thereof,  
2 shall be fined an amount not to exceed \$500 or shall be confined in  
3 jail, or, in the case of a juvenile, a detention center, for a  
4 period not to exceed seventy-two hours, or both fined and  
5 imprisoned or, in lieu of such fine and incarceration, may, for the  
6 first offense, be placed on probation for a period not to exceed  
7 one year.

8       (2) Nothing in this article, nor any rule or regulation of the  
9 commissioner, ~~shall prevent or be deemed to prohibit any~~ prevents  
10 or prohibits a person who is at least eighteen years of age from  
11 serving in the lawful employment of a licensee which includes the  
12 sale and serving of alcoholic liquor.

13       (3) Nothing in this subsection ~~shall~~ prohibits a person who is  
14 at least eighteen years of age from purchasing or possessing  
15 alcoholic liquor when he or she is acting upon the request of or  
16 under the direction and control of any member of a state, federal  
17 or local law-enforcement agency or the West Virginia Alcohol  
18 Beverage Control Administration while the agency is conducting an  
19 investigation or other activity relating to the enforcement of the  
20 alcohol beverage control statutes and the rules ~~and regulations~~ of  
21 the commissioner.

22       (b) Any person under the age of twenty-one years who, for the  
23 purpose of purchasing liquor from a retail licensee, misrepresents  
24 his or her age or who for such purpose presents or offers any

1 written evidence of age which is false, fraudulent or not actually  
2 his or her own or who illegally attempts to purchase liquor from a  
3 retail licensee is guilty of a misdemeanor and, upon conviction  
4 thereof, shall be fined an amount not to exceed \$100 or confined in  
5 jail, or, in the case of a juvenile, a detention facility, for a  
6 period not to exceed seventy-two hours, or both fined and confined  
7 or, in lieu of such fine and imprisonment, may, for the first  
8 offense, be placed on probation for a period not exceeding one  
9 year. Any person convicted under this section may be sentenced  
10 pursuant to the provisions of section one-a, article eleven-a,  
11 chapter sixty-two of this code.

12 (c) Any person who knowingly buys for, gives to or furnishes  
13 to anyone under the age of twenty-one ~~to whom he or she is not~~  
14 ~~related by blood or marriage~~ any liquor from whatever source is  
15 guilty of a misdemeanor and, upon conviction thereof, shall be  
16 fined an amount not to exceed \$250 ~~or confined in jail for a period~~  
17 ~~not to exceed ten days, or both fined and confined.~~ and shall  
18 complete community service for a period not to exceed seventy-two  
19 hours.

20 (d) No person while on the premises of a retail outlet may  
21 consume liquor or break the seal on any package or bottle of  
22 liquor. Any person who violates the provisions of this subsection  
23 is guilty of a misdemeanor and, upon conviction thereof, shall be  
24 fined an amount not to exceed \$100 ~~or confined in jail for a period~~

1 ~~not to exceed ten days, or both fined and confined.~~ and shall  
2 complete community service for a period not to exceed seventy-two  
3 hours.

NOTE: The purpose of this bill is to require community service instead of the option of jail time for persons convicted of furnishing alcohol to minors or convicted of drinking on the premises of liquor stores.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.