
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 843

Session of
1985

INTRODUCED BY BLAUM, CIVERA, JAROLIN, TIGUE, CAPPABIANCA,
LINTON, AFFLERBACH, ARTY, BALDWIN, BARLEY, BELARDI, BELFANTI,
BOOK, BOYES, CLYMER, COHEN, CORDISCO, COY, DALEY, DAWIDA,
DeLUCA, DIETZ, DORR, DUFFY, FARGO, FISCHER, FLICK, FREIND,
GANNON, GEIST, GRUPPO, HERMAN, HERSHEY, JOHNSON, LUCYK,
MARKOSEK, MERRY, MICOZZIE, MRKONIC, NAHILL, NOYE, OLASZ,
PITTS, PRATT, PRESSMANN, PUNT, RYBAK, SAURMAN, SCHEETZ,
J. L. WRIGHT, SCHULER, SIRIANNI, B. SMITH, D. W. SNYDER,
STABACK, F. E. TAYLOR, VROON, WASS, FOX, CAWLEY, STEVENS,
BROUJOS AND WAMBACH, APRIL 9, 1985

SENATOR SHUMAKER, LAW AND JUSTICE, IN SENATE, AS AMENDED,
FEBRUARY 11, 1986

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for offenses
3 relating to alcohol; and making a repeal.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Sections 1101, 6307, 6308, 6309 and 6310 of Title
7 18 of the Pennsylvania Consolidated Statutes are amended to
8 read:

9 § 1101. Fines.

10 A person who has been convicted of an offense may be
11 sentenced to pay a fine not exceeding:

12 (1) \$25,000, when the conviction is of a felony of the
13 first or second degree.

(2) \$15,000, when the conviction is of a felony of the third degree.

(3) \$10,000, when the conviction is of a misdemeanor of the first degree.

(4) \$5,000, when the conviction is of a misdemeanor of the second degree.

(5) \$2,500, when the conviction is of a misdemeanor of the third degree.

(6) \$300, when the conviction is of a summary offense for which no higher fine is established.

(7) Any higher amount equal to double the pecuniary gain derived from the offense by the offender.

(8) Any higher or lower amount specifically authorized by statute.

§ 6307. Misrepresentation of age to secure liquor or malt or brewed beverages.

(a) Offense defined.--A person is guilty of A SUMMARY <—
OFFENSE FOR A FIRST VIOLATION AND a misdemeanor of the third
degree FOR ANY SUBSEQUENT VIOLATIONS if he, being under the age <—
of 21 years, knowingly and falsely represents himself to be 21
years of age or older to any licensed dealer, distributor or
other person, for the purpose of procuring or having furnished
to him, any [intoxicating liquors.] liquor or malt or brewed
beverages.

(b) Minimum penalty.--In addition to any other penalty
imposed pursuant to section 6310.4 (relating to restriction of
operating privileges) or this title or other statute, a person
who is convicted of violating subsection (a) shall be sentenced
to pay a fine of not less than \$500 \$300 for the first SECOND <—
violation and a fine of not less than \$1,000 \$500 for each <—

1 subsequent violation. There shall be no authority in any court
2 to impose on an offender any lesser sentence than the minimum
3 sentence mandated by this subsection. In no case shall the
4 sentence exceed the maximum sentence prescribed by law. No court
5 shall have the authority to suspend any sentence as defined in
6 this act.

7 (c) Adjudication of delinquency.--In addition to any other
8 disposition authorized by law, a person adjudicated delinquent
9 under subsection (a) shall be ordered to pay a fine of \$500 for
10 the first adjudication of delinquency and a fine of \$1,000 for
11 each subsequent adjudication of delinquency.

12 (D) PREADJUDICATION DISPOSITION.--WHEN A PERSON IS CHARGED <—
13 WITH VIOLATING SUBSECTION (A), THE COURT MAY, AFTER A
14 DETERMINATION OF GUILT, ADMIT THE OFFENDER TO THE ADJUDICATION
15 ALTERNATIVE AS AUTHORIZED IN 42 PA.C.S. § 1520 (RELATING TO
16 COMMUNITY PUBLIC SERVICE PROGRAM), A CONSENT DECREE AS DEFINED
17 IN 42 PA.C.S. § 6340 (RELATING TO CONSENT DECREE) OR ANY OTHER
18 PREADJUDICATION DISPOSITION IF THE OFFENDER HAS NOT BEEN
19 PREVIOUSLY CONVICTED OF THAT OFFENSE. THE USE OF ANY
20 PREADJUDICATION DISPOSITION SHALL BE CONSIDERED A FIRST OFFENSE
21 AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 6310.4
22 (RELATING TO RESTRICTION OF OPERATING PRIVILEGES).

23 § 6308. Purchase, consumption, possession or transportation of
24 [intoxicating beverages] liquor or malt or brewed
25 beverages.

26 (a) Offense defined.--A person commits a summary offense if
27 he, being less than 21 years of age, attempts to purchase,
28 purchases, consumes, possesses or transports any [alcohol,]
29 liquor or malt or brewed beverages, as defined in section ~~6310.5~~ <—
30 6310.6 (relating to definitions).

1 (b) Penalty.--In addition to the penalty imposed pursuant to
2 section 6310.4 (relating to restriction of operating
3 privileges), a person convicted of violating subsection (a)
4 shall be sentenced to pay a fine of ~~\$500~~ \$300. <—

5 (C) PREADJUDICATION DISPOSITION.--WHEN A PERSON IS CHARGED <—
6 WITH VIOLATING SUBSECTION (A), THE COURT MAY, AFTER A
7 DETERMINATION OF GUILT, ADMIT THE OFFENDER TO THE ADJUDICATION
8 ALTERNATIVE AS AUTHORIZED IN 42 PA.C.S. § 1520 (RELATING TO
9 COMMUNITY PUBLIC SERVICE PROGRAM), A CONSENT DECREE AS DEFINED
10 IN 42 PA.C.S. § 6340 (RELATING TO CONSENT DECREE) OR ANY OTHER
11 PREADJUDICATION DISPOSITION IF THE OFFENDER HAS NOT BEEN
12 PREVIOUSLY CONVICTED OF THAT OFFENSE. THE USE OF ANY
13 PREADJUDICATION DISPOSITION SHALL BE CONSIDERED A FIRST OFFENSE
14 AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 6310.4
15 (RELATING TO RESTRICTION OF OPERATING PRIVILEGES).

16 § 6309. Representing [to liquor dealers] that minor is of age.

17 (a) Offense defined.--A person is guilty of a misdemeanor of
18 the third degree if he knowingly, willfully, and falsely
19 represents to any licensed dealer, or other person, any minor to
20 be of full age, for the purpose of inducing any such licensed
21 dealer or other person, to sell or furnish any [intoxicating
22 liquors] liquor or malt or brewed beverages, as defined in
23 section ~~6310.5~~ 6310.6 (relating to definitions), to the minor. <—

24 (b) Minimum penalty.--In addition to any other penalty
25 imposed pursuant to this title or other statute, a person
26 committing an offense under this section shall be sentenced to
27 pay a fine of not less than \$300. There shall be no authority in
28 any court to impose on an offender any lesser sentence than the
29 minimum sentence mandated by this subsection. In no case shall
30 the sentence exceed the maximum sentence prescribed by law. No

1 court shall have the authority to suspend any sentence as
2 defined in this act.

3 § 6310. Inducement of minors to buy liquor or malt or brewed
4 beverages.

5 (a) Offense defined.--A person is guilty of a misdemeanor of
6 the third degree if he hires or requests or induces any minor to
7 purchase, or offer to purchase, [spirituous, vinous or brewed
8 and malt liquors] liquor or malt or brewed beverages, as defined
9 in section ~~6310.5~~ 6310.6 (relating to definitions), from a duly <—
10 licensed dealer for any purpose.

11 (b) Minimum penalty.--In addition to any other penalty
12 imposed pursuant to this title or other statute, a person
13 convicted of an offense under this section shall be sentenced to
14 pay a fine of not less than \$300. There shall be no authority in
15 any court to impose on an offender any lesser sentence than the
16 minimum sentence mandated by this subsection. Nothing in this
17 section shall prevent the sentencing court from imposing a
18 sentence greater than the minimum sentence mandated in this
19 subsection. In no case shall the sentence exceed the maximum
20 sentence prescribed by law. No court shall have the authority to
21 suspend any sentence as defined in this act.

22 Section 2. Title 18 is amended by adding sections to read:

23 § 6310.1. Selling or furnishing liquor or malt or brewed
24 beverages to minors.

25 (a) Offense defined.--Except as provided in subsection (b),
26 a person commits a misdemeanor of the third degree if he
27 intentionally and knowingly sells or INTENTIONALLY AND KNOWINGLY <—
28 furnishes, or purchases with the intent to sell or furnish, any
29 liquor or malt or brewed beverages to a person who is less than
30 21 years of age.

1 (b) Exceptions.--The provisions of this section shall not
2 apply to any religious service or ceremony which may be
3 conducted in a private home or a place of worship where the
4 amount of wine served does not exceed ~~one ounce and is~~ THE <—
5 AMOUNT REASONABLY, CUSTOMARILY AND TRADITIONALLY REQUIRED AS an
6 integral part of the service or ceremony.

7 (c) Minimum penalty.--In addition to any other penalty
8 imposed pursuant to this title or other statute, a person who is
9 convicted of violating subsection (a) shall be sentenced to pay
10 a fine of not less than \$1,000 for the first violation and a
11 fine of \$2,500 for each subsequent violation. There shall be no
12 authority in any court to impose on an offender any lesser
13 sentence than the minimum sentence mandated by this subsection.
14 No court shall have the authority to suspend any sentence as
15 defined in this act. Nothing in this section shall prevent the
16 sentencing court from imposing a sentence greater than the
17 minimum sentence mandated in this subsection. In no case shall
18 the sentence exceed the maximum sentence prescribed by law.

19 § 6310.2. Manufacture or sale of false identification card.

20 (a) Offense defined.--A person commits a misdemeanor of the
21 second degree if he intentionally, knowingly or recklessly
22 manufactures, makes, alters, sells or attempts to sell an
23 identification card falsely representing the identity, birth
24 date or age of another.

25 (b) Minimum penalty.--In addition to any other penalty
26 imposed pursuant to this title or any other statute, a person
27 who is convicted of violating subsection (a) shall be sentenced
28 to pay a fine of not less than \$1,000 for the first violation
29 and a fine of not less than \$2,500 for each subsequent
30 violation. There shall be no authority in any court to impose on

1 an offender any lesser sentence than the minimum sentence
2 mandated by this subsection. In no case shall the sentence
3 exceed the maximum sentence prescribed by law. No court shall
4 have the authority to suspend any sentence as defined in this
5 act.

6 (c) Adjudication of delinquency.--In addition to any other
7 disposition authorized by law, a person adjudicated delinquent
8 under subsection (a) shall be ordered to pay a fine of \$500 for
9 the first adjudication of delinquency and a fine of \$1,000 for
10 each subsequent adjudication of delinquency.

11 § 6310.3. Carrying a false identification card.

12 (a) Offense defined.--A person commits A SUMMARY OFFENSE FOR <—
13 A FIRST VIOLATION AND a misdemeanor of the third degree FOR ANY <—
14 SUBSEQUENT VIOLATION if he, being under 21 years of age,
15 possesses an identification card falsely identifying that person
16 by name, age or photograph as being 21 years of age or older or
17 obtains or attempts to obtain liquor or malt or brewed beverages
18 by using the identification card of another or by using an
19 identification card that has not been lawfully issued to or in
20 the name of that person who possesses the card.

21 (b) Minimum penalty.--In addition to any other penalty
22 imposed pursuant to section 6310.4 (relating to restriction of
23 operating privileges) or this title or any other statute, a
24 person who is convicted of violating subsection (a) shall be
25 sentenced to pay a fine of not less than ~~\$500~~ \$300 for the first <—
26 SECOND violation and a fine of not less than ~~\$1,000~~ \$500 for <—
27 each subsequent violation. There shall be no authority in any
28 court to impose on an offender any lesser sentence than the
29 minimum sentence mandated by this subsection. In no case shall
30 the sentence exceed the maximum sentence prescribed by law. No

1 court shall have the authority to suspend any sentence as
2 defined in this act.

3 (c) Adjudication of delinquency.--In addition to any other
4 disposition authorized by law, a person adjudicated delinquent
5 under subsection (a) shall be ordered to pay a fine of \$500 for
6 the first adjudication of delinquency and a fine of \$1,000 for
7 each subsequent adjudication of delinquency.

8 § 6310.4. Restriction of operating privileges.

9 (a) General rule.--Whenever a person is convicted or is
10 adjudicated delinquent of a violation of section 6307 (relating
11 to misrepresentation of age to secure liquor or malt or brewed
12 beverages), 6308 (relating to purchase, consumption, possession
13 or transportation of liquor or malt or brewed beverages), or
14 6310.3 (relating to carrying a false identification card), the
15 court, including a court not of record if it is exercising
16 jurisdiction pursuant to 42 Pa.C.S. § 1515(a)(6) (relating to
17 jurisdiction and venue), shall require the person to immediately
18 surrender any driver's license issued to that person pursuant to
19 75 Pa.C.S. § 1510 (relating to issuance and content of driver's
20 license). The court shall forward the surrendered license with
21 the date of ~~surrender~~ SUSPENSION clearly noted and, in all <—
22 cases, a record of the judgment of conviction or adjudication of
23 delinquency to the Department of Transportation. Acceptance of
24 Accelerated Rehabilitative Disposition OR ANY PREADJUDICATION <—
25 DISPOSITION shall also result in ~~surrender~~ SUSPENSION of the <—
26 driver's license, as specified in the following schedule.

27 (b) Duration of ~~surrender~~ SUSPENSION.--A driver's license <—
28 ~~surrendered~~ SUSPENDED under subsection (a) shall be retained by <—
29 the department for the time specified in the following schedule:

30 (1) For a first offense, a period of 90 days from the

date of ~~surrender~~ SUSPENSION.

<—

(2) For a second offense, a period of one year from the
date of ~~surrender~~ SUSPENSION.

<—

(3) For a third offense, ~~and any offense thereafter~~, a
period of two years from the date of ~~surrender~~ SUSPENSION.

<—

Any multiple sentences imposed shall be served consecutively.

(4) For a fourth offense, AND ANY OFFENSE THEREAFTER,
the duration of time until the person reaches 21 years of age
OR THREE YEARS, WHICHEVER IS LONGER.

<—

Return of ~~surrendered~~ SUSPENDED licenses shall be governed by
the provisions of Title 75 (relating to vehicles), concerning
the return of a suspended license.

<—

(c) Nondrivers.--Any person whose record is received by the
department under subsection (a) and who does not have a driver's
license shall be ineligible to apply for a learner's permit
under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and
1507 (relating to application for driver's license or learner's
permit by minor) for the time periods specified in subsection
(b). IF THE PERSON IS UNDER 16 YEARS OF AGE WHEN HE IS
CONVICTED, HIS SUSPENSION OF OPERATING PRIVILEGES SHALL COMMENCE
UPON HIS 16TH BIRTHDAY FOR THE TIME PERIODS SPECIFIED IN
SUBSECTION (B).

<—

§ 6310.5. PRESENTENCING EVALUATION.

(A) GENERAL RULE.--IN ADDITION TO ANY OTHER REQUIREMENTS,
EVERY PERSON CONVICTED OF A VIOLATION OF SECTIONS 6307 (RELATING
TO MISREPRESENTATION OF AGE TO SECURE LIQUOR OR MALT OR BREWED
BEVERAGES), 6308 (RELATING TO PURCHASE, CONSUMPTION, POSSESSION
OR TRANSPORTATION OF LIQUOR OR MALT OR BREWED BEVERAGES) AND
6310.3 (RELATING TO CARRYING A FALSE IDENTIFICATION CARD), AND
ANY PERSON ACCEPTING ANY PREADJUDICATION DISPOSITION AS A RESULT

1 OF A CHARGE OF A VIOLATION OF THESE SECTIONS SHALL, PRIOR TO
2 SENTENCING OR ACCEPTANCE OF A PREADJUDICATION DISPOSITION, BE
3 EVALUATED USING JUVENILE OR ADULT COURT REPORTING NETWORK
4 INSTRUMENTS ISSUED BY THE DEPARTMENT OF TRANSPORTATION AND ANY
5 OTHER ADDITIONAL EVALUATION TECHNIQUES DEEMED APPROPRIATE BY THE
6 COURT TO DETERMINE THE EXTENT OF THE PERSON'S INVOLVEMENT WITH
7 ALCOHOL AND TO ASSIST THE COURT IN DETERMINING WHAT SENTENCING
8 OR CONDITIONS OF THE PREADJUDICATION DISPOSITION WOULD BENEFIT
9 THE PERSON OR THE PUBLIC.

10 (B) PROGRAM OF ALCOHOL COUNSELING.--BASED ON THE RESULTS OF
11 EVALUATION AND ANY ADDITIONAL INFORMATION, THE DISTRICT JUSTICE
12 MAY, IN ADDITION TO ANY OTHER MANDATORY REQUIREMENTS OF THESE
13 SECTIONS, DETERMINE AND REQUIRE AS PART OF SENTENCING OR ANY
14 PREADJUDICATION DISPOSITION THAT THE PERSON SUCCESSFULLY
15 COMPLETE A PRESCRIBED PROGRAM OF ALCOHOL COUNSELING. ANY PROGRAM
16 OF INDIVIDUAL OR GROUP INTERVENTION OR SUPERVISED INPATIENT OR
17 OUTPATIENT TREATMENT SHALL BE OF A TYPE APPROVED BY THE
18 DEPARTMENT OF HEALTH.

19 (C) COSTS.--COSTS OF ANY AND ALL REQUIREMENTS APPLIED UNDER
20 THIS SECTION SHALL BE IN ADDITION TO ANY OTHER PENALTY REQUIRED
21 OR ALLOWED BY LAW AND SHALL BE THE RESPONSIBILITY OF THE PERSON
22 UPON WHOM THE REQUIREMENT IS PLACED.

23 § ~~6310.5~~ 6310.6. Definitions.

24 The following words and phrases when used in sections 6307
25 (relating to misrepresentation of age to secure liquor or malt
26 or brewed beverages) through 6310.3 (relating to carrying a
27 false identification card) shall have the meanings given to them
28 in this section unless the context clearly indicates otherwise:

29 "Furnish." To supply, give or provide to, or allow a minor
30 to possess on premises or property owned or controlled by the

1 person charged.

2 "Identification card." A driver's license, a Department of
3 Transportation nondriver's identification card or a card issued
4 by the Pennsylvania Liquor Control Board for the purpose of
5 identifying a person desiring liquor or malt or brewed
6 beverages, a card which falsely purports to be any of the
7 foregoing, or any card, paper or document which falsely
8 identifies the person by name, photograph, age or date of birth
9 as being 21 years of age or older.

10 "Liquor." Includes any alcoholic, spirituous, vinous,
11 fermented or other alcoholic beverage, or combination of liquors
12 and mixed liquor a part of which is spirituous, vinous,
13 fermented or otherwise alcoholic, including all drinks or
14 drinkable liquids, preparations or mixtures and reused,
15 recovered or redistilled denatured alcohol usable or taxable for
16 beverage purposes which contain more than 0.50% of alcohol by
17 volume, except pure ethyl alcohol and malt or brewed beverages.

18 "Malt or brewed beverages." Any beer, lager beer, ale,
19 porter or similar fermented malt beverage containing 0.50% or
20 more of alcohol by volume, by whatever name such beverage may be
21 called.

22 Section 3. Section 495(d) of the act of April 12, 1951
23 (P.L.90, No.21), known as the Liquor Code, is repealed.

24 SECTION 4. IF ANY PROVISION OF THIS ACT OR THE APPLICATION <—
25 THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH
26 INVALIDITY SHALL NOT EFFECT OTHER PROVISIONS OR APPLICATIONS OF
27 THE ACT WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION
28 OR APPLICATION AND TO THIS END THE PROVISIONS OF THE ACT ARE
29 DECLARED TO BE SEVERABLE.

30 Section 4 5. This act shall take effect in ~~60~~ 90 days. <—