

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 850 Session of
2001

INTRODUCED BY CLYMER, ALLEN, ARMSTRONG, M. BAKER, BARD, BASTIAN,
BEBKO-JONES, BENNINGHOFF, BUXTON, CALTAGIRONE, CLARK,
M. COHEN, CORRIGAN, CRUZ, DALLY, DeWEESE, J. EVANS,
FAIRCHILD, FEESE, FORCIER, FRANKEL, GABIG, GEIST, GORDNER,
GRUCELA, HARHAI, HENNESSEY, HERSHEY, HORSEY, JAMES, KENNEY,
LAUGHLIN, LEDERER, MAHER, MANDERINO, MARKOSEK, MARSICO,
R. MILLER, S. MILLER, MUNDY, O'BRIEN, ORIE, PETRARCA,
READSHAW, ROSS, SATHER, SAYLOR, SCHRODER, B. SMITH, STABACK,
STEELMAN, STERN, E. Z. TAYLOR, THOMAS, TRELLO, WASHINGTON,
WATSON, WILT, YOUNGBLOOD, LESCOVITZ, RAYMOND, PRESTON,
STAIRS, BUNT, MICHLOVIC, STETLER, COLAFELLA AND COLEMAN,
MARCH 7, 2001

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 22, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for purchase,
3 consumption, possession or transportation of liquor or malt
4 or brewed beverages and for inducement of minors to buy
5 liquor or malt or brewed beverages.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Sections 6308 and 6310 of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended by adding
10 subsections to read:

11 § 6308. Purchase, consumption, possession or transportation of
12 liquor or malt or brewed beverages.

13 * * *

14 ~~(c) Exception for compliance checks. A Pennsylvania State~~

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~~Police, Bureau of Liquor Control Enforcement officer, employee or intern who is under 21 years of age but who is acting within the scope of that individual's official duties, or a local law enforcement officer who is a minor and has been certified by the Pennsylvania State Police, Bureau of Liquor Control Enforcement to conduct compliance checks pursuant to this section and is acting within the scope of that individual's official duties, may attempt to purchase, possess or transport any liquor or malt or brewed beverages. Under no circumstances may individuals~~

(E) EXCEPTION FOR COMPLIANCE CHECKS.--

(1) AN INDIVIDUAL WHO IS UNDER 21 YEARS OF AGE MAY ATTEMPT TO PURCHASE, POSSESS OR TRANSPORT LIQUOR OR MALT OR BREWED BEVERAGES IF ALL OF THE FOLLOWING APPLY:

(I) THE INDIVIDUAL IS AT LEAST 18 YEARS OF AGE.

(II) THE INDIVIDUAL IS:

(A) AN OFFICER, EMPLOYEE OR INTERN OF THE BUREAU OF LIQUOR CONTROL ENFORCEMENT OF THE PENNSYLVANIA STATE POLICE; OR

(B) A LOCAL LAW ENFORCEMENT OFFICER CERTIFIED BY THE BUREAU TO CONDUCT COMPLIANCE CHECKS UNDER THIS SECTION.

(III) THE INDIVIDUAL HAS COMPLETED TRAINING SPECIFIED BY THE BUREAU.

(IV) THE INDIVIDUAL IS ACTING WITHIN THE SCOPE OF PRESCRIBED DUTIES.

(V) THE INDIVIDUAL IS ACTING UNDER THE DIRECT CONTROL OR SUPERVISION OF A BUREAU OFFICER OR A LOCAL LAW ENFORCEMENT OFFICER WHO IS AN ADULT.

(2) UNDER NO CIRCUMSTANCES MAY INDIVIDUALS under 21 years of age consume liquor or malt or brewed beverages.

1 (3) A LAW ENFORCEMENT AGENCY CONDUCTING COMPLIANCE
2 CHECKS UNDER THIS SUBSECTION SHALL PROMULGATE GUIDELINES
3 PRESCRIBING THE MANNER IN WHICH COMPLIANCE CHECKS ARE TO BE
4 PERFORMED. COMPLIANCE CHECKS UNDER THIS SUBSECTION SHALL BE
5 CONDUCTED IN A MANNER CONSISTENT WITH THE GUIDELINES.
6 GUIDELINES SHALL REQUIRE, AT A MINIMUM, ALL OF THE FOLLOWING:

7 (I) PRIOR TO PARTICIPATION IN THE COMPLIANCE CHECK,
8 THE OFFICER, EMPLOYEE OR INTERN SHALL UNDERGO TRAINING
9 APPROVED BY THE AUTHORIZING AGENCY.

10 (II) A PERSON LICENSED TO SELL LIQUOR OR MALT OR
11 BREWED BEVERAGES THAT IS FOUND TO BE IN COMPLIANCE WITH
12 THIS SECTION DURING A COMPLIANCE CHECK SHALL BE NOTIFIED
13 IN WRITING OF THE COMPLIANCE CHECK AND THE DETERMINATION
14 OF COMPLIANCE.

15 (4) FAILURE TO COMPLY WITH GUIDELINES UNDER PARAGRAPH
16 (3) SHALL NOT BE A DEFENSE TO A VIOLATION OF THIS SECTION.

17 (5) A VIOLATION OF PARAGRAPH (1) OR (2) SHALL NOT BE A
18 DEFENSE TO A PROSECUTION UNDER THIS SECTION.

19 § 6310. Inducement of minors to buy liquor or malt or brewed
20 beverages.

21 * * *

22 ~~(c) Exception for compliance checks. A Pennsylvania State~~
23 ~~Police, Bureau of Liquor Control Enforcement officer, employee~~
24 ~~or intern who is under 21 years of age but who is acting within~~
25 ~~the scope of that individual's official duties, or a local law~~
26 ~~enforcement officer who is a minor and has been certified by the~~
27 ~~Pennsylvania State Police, Bureau of Liquor Control Enforcement~~
28 ~~to conduct compliance checks pursuant to this section and is~~
29 ~~acting within the scope of that individual's official duties,~~
30 ~~may attempt to purchase, possess or transport any liquor or malt~~

~~or brewed beverages. Under no circumstances may individuals~~

(C) EXCEPTION FOR COMPLIANCE CHECKS.--

(1) AN INDIVIDUAL WHO IS UNDER 21 YEARS OF AGE MAY
ATTEMPT TO PURCHASE, POSSESS OR TRANSPORT LIQUOR OR MALT OR
BREWED BEVERAGES IF ALL OF THE FOLLOWING APPLY:

(I) THE INDIVIDUAL IS AT LEAST 18 YEARS OF AGE.

(II) THE INDIVIDUAL IS:

(A) AN OFFICER, EMPLOYEE OR INTERN OF THE BUREAU
OF LIQUOR CONTROL ENFORCEMENT OF THE PENNSYLVANIA
STATE POLICE; OR

(B) A LOCAL LAW ENFORCEMENT OFFICER CERTIFIED BY
THE BUREAU TO CONDUCT COMPLIANCE CHECKS UNDER THIS
SECTION.

(III) THE INDIVIDUAL HAS COMPLETED TRAINING
SPECIFIED BY THE BUREAU.

(IV) THE INDIVIDUAL IS ACTING WITHIN THE SCOPE OF
PRESCRIBED DUTIES.

(V) THE INDIVIDUAL IS ACTING UNDER THE DIRECT
CONTROL OR SUPERVISION OF A BUREAU OFFICER OR A LOCAL LAW
ENFORCEMENT OFFICER WHO IS AN ADULT.

(2) UNDER NO CIRCUMSTANCES MAY INDIVIDUALS under 21
years of age consume liquor or malt or brewed beverages.

(3) A LAW ENFORCEMENT AGENCY CONDUCTING COMPLIANCE
CHECKS UNDER THIS SUBSECTION SHALL PROMULGATE GUIDELINES
PRESCRIBING THE MANNER IN WHICH COMPLIANCE CHECKS ARE TO BE
PERFORMED. COMPLIANCE CHECKS UNDER THIS SUBSECTION SHALL BE
CONDUCTED IN A MANNER CONSISTENT WITH THE GUIDELINES.
GUIDELINES SHALL REQUIRE, AT A MINIMUM, ALL OF THE FOLLOWING:

(I) PRIOR TO PARTICIPATION IN THE COMPLIANCE CHECK,
THE OFFICER, EMPLOYEE OR INTERN SHALL UNDERGO TRAINING

1 APPROVED BY THE AUTHORIZING AGENCY.

2 (II) A PERSON LICENSED TO SELL LIQUOR OR MALT OR
3 BREWED BEVERAGES THAT IS FOUND TO BE IN COMPLIANCE WITH
4 THIS SECTION DURING A COMPLIANCE CHECK SHALL BE NOTIFIED
5 IN WRITING OF THE COMPLIANCE CHECK AND THE DETERMINATION
6 OF COMPLIANCE.

7 (4) FAILURE TO COMPLY WITH GUIDELINES UNDER PARAGRAPH
8 (3) SHALL NOT BE A DEFENSE TO A VIOLATION OF THIS SECTION.

9 (5) A VIOLATION OF PARAGRAPH (1) OR (2) SHALL NOT BE A
10 DEFENSE TO A PROSECUTION UNDER THIS SECTION.

11 Section 2. This act shall take effect in 60 days.