

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 399 Session of 2015

INTRODUCED BY WHITE, VULAKOVICH, COSTA, BOSCOLA AND RAFFERTY,
FEBRUARY 4, 2015

REFERRED TO LAW AND JUSTICE, FEBRUARY 4, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, further providing for the
3 offense of carrying a false identification card.

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

6 Section 1. Section 6310.3 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 6310.3. Carrying a false identification card.

9 * * *

10 (f) Confiscation.--

11 (1) Any employee, servant or agent of a person
12 authorized to sell liquor or malt or brewed beverages under
13 the act of April 12, 1951 (P.L.90, No.21), known as the
14 Liquor Code, may confiscate an identification card that has
15 been presented for the purposes of obtaining liquor or malt
16 or brewed beverages when there is a reasonable suspicion that
17 a person has presented an identification card as described in
18 subsection (a). An employee, servant or agent may confiscate

1 an identification card upon reasonable suspicion that the age
2 or date of birth is false only after placing the
3 identification card through a transaction scan device.

4 (2) The following applies to identification cards
5 confiscated under this subsection:

6 (i) When the confiscation involves either a driver's
7 license or identification card issued by the Department
8 of Transportation, the person confiscating it shall issue
9 a completed receipt to the person from whom the
10 identification card is seized. The receipt shall be on a
11 form prescribed by the Pennsylvania Liquor Control Board.
12 Within 48 hours after the confiscation, the driver's
13 license or identification card shall be submitted to the
14 law enforcement agency having primary jurisdiction in
15 which the licensee's place of business is located to make
16 a determination of the validity of the identification
17 card presented. The law enforcement agency shall attempt
18 to return any confiscated identification card that is
19 determined to be valid unless it is otherwise needed for
20 a criminal or administrative investigation. If determined
21 to be invalid, altered or forged, the law enforcement
22 agency may process or destroy the identification in
23 accordance with its established procedures.

24 (ii) When the confiscation involves any other
25 identification card, the employee, servant or agent shall
26 retain the identification card for a minimum of 48 hours
27 after the confiscation to allow the person from whom it
28 was confiscated an opportunity to show proof that the
29 identification card was legitimate, upon which the
30 identification card shall be returned to the person by

1 the employee, servant or agent. If the identification
2 card is not claimed and returned in accordance with this
3 subsection, the employee, servant or agent shall destroy
4 the identification card upon the expiration of the 48-
5 hour period and no later than five business days after
6 the confiscation occurred.

7 (3) As used in this subsection, the following terms
8 shall have the meanings given to them in this paragraph:

9 "Identification card." An identification card set forth
10 in section 495(a) of the act of April 12, 1951 (P.L.90,
11 No.21), known as the Liquor Code.

12 "Transaction scan device." A device capable of
13 deciphering in an electronically readable format the
14 information encoded on the magnetic strip or bar code of an
15 identification card.

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