S T A T E O F N E W Y O R K

6452

2009-2010 Regular Sessions

I N A S S E M B L Y

March 4, 2009

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the alcoholic beverage control law, in relation to unlawful possession of an alcoholic beverage by persons under the age of twenty-one on licensed premises

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The alcoholic beverage control law is amended by adding a new section 65-e to read as follows:

S 65-E. UNLAWFUL POSSESSION OF AN ALCOHOLIC BEVERAGE WITH THE INTENT TO CONSUME BY PERSONS UNDER THE AGE OF TWENTY-ONE YEARS ON PREMISES LICENSED BY THE STATE LIQUOR AUTHORITY. 1. EXCEPT AS HEREINAFTER PROVIDED, NO PERSON UNDER THE AGE OF TWENTY-ONE YEARS SHALL POSSESS ANY ALCOHOLIC BEVERAGE, AS DEFINED IN THIS CHAPTER, WITH THE INTENT TO CONSUME SUCH BEVERAGE ON ANY PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES.

2. A PERSON VIOLATING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE GUILTY OF A VIOLATION AND SHALL BE SENTENCED IN ACCORDANCE WITH THE FOLLOWING:

(A) FOR A FIRST VIOLATION, THE COURT SHALL ORDER PAYMENT OF A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS AND/OR AN APPROPRIATE AMOUNT OF COMMUNITY SERVICE NOT TO EXCEED THIRTY HOURS. IN ADDITION, THE COURT MAY ORDER COMPLETION OF AN ALCOHOL AWARENESS PROGRAM ESTABLISHED PURSUANT TO SECTION 19.25 OF THE MENTAL HYGIENE LAW.

(B) FOR A SECOND OR SUBSEQUENT VIOLATION, THE COURT SHALL ORDER PAYMENT OF A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS AND/OR AN APPROPRIATE AMOUNT OF COMMUNITY SERVICE NOT TO EXCEED THIRTY HOURS.

S 2. Section 65 of the alcoholic beverage control law is amended by adding a new subdivision 7 to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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7. IN A PROCEEDING PURSUANT TO SECTION ONE HUNDRED EIGHTEEN OF THIS CHAPTER TO REVOKE, CANCEL OR SUSPEND A LICENSE TO SELL ALCOHOLIC BEVERAGES AT RETAIL, IN WHICH IT IS ALLEGED THAT A PERSON VIOLATED SUBDIVISION ONE OF THIS SECTION, PROOF OF SALE TO A PERSON WHO HAS NOT BEEN PROSECUTED UNDER SECTION SIXTY-FIVE-B, SIXTY-FIVE-C OR SIXTY-FIVE-E OF THIS ARTICLE SHALL BE INADMISSIBLE, UNLESS SUCH PERSON WAS ACTING WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT WITH OR UNDER THE DIRECTION OF A LAW ENFORCEMENT AGENCY.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.