

House Research Act Summary

CHAPTER: 472

SESSION: 2000 Regular Session

TOPIC: Underage purchases of alcohol or tobacco

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Analyst: Emily F. Shapiro, 651-296-5041

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Overview

This act increases criminal penalties and driver's license sanctions for underage persons who use any type of false identification to purchase or attempt to purchase alcoholic beverages or tobacco products. The act also lowers from a gross misdemeanor to a misdemeanor the criminal penalty for unlawful sale of tobacco products to a minor, but retains the gross misdemeanor penalty for a second or subsequent violation within five years. In addition, the act increases the penalty from a misdemeanor to a gross misdemeanor for persons who repeatedly violate the prohibition against furnishing tobacco to a minor. Finally, the act authorizes retailers who have reason to believe a false ID has been used in an illegal purchase to seize the ID and deliver it to a law enforcement agency within 24 hours of the seizure.

Section

- 1 Suspension; illegal purchase of alcohol or tobacco.** Requires the commissioner of public safety to suspend for 90 days the driver's license or permit of a person who uses any form of false identification to illegally purchase alcohol or tobacco products or who lends or knowingly permits an underage purchaser to use the person's false identification for this purpose. Current law provides for license or permit suspension under these circumstances if a driver's license or permit or Minnesota ID is used in connection with the illegal purchase.
- 2 Dispositions.** Requires the juvenile court to notify the commissioner of public safety when the court has made a finding that a juvenile has illegally purchased alcohol or tobacco products by using any kind of false identification. After receiving this notice from the juvenile court, the commissioner must suspend the juvenile's driver's license or permit as provided in section 1. Current law requires the court to send such a notice to the Commissioner under these circumstances if a driver's license or permit or Minnesota ID is used in connection with the illegal purchase.
- 3 Proof of age; defense; seizure of false identification.** Permits a retailer of alcoholic beverages to seize a passport or a driver's license or identification card issued by this state or another

jurisdiction if the retailer has reasonable grounds to believe that the ID has been altered or falsified or is being used to violate any law. The retailer must deliver the seized ID to a law enforcement agency within 24 hours of the seizure.

- 4 **Gross misdemeanor.** Increases the penalty from a misdemeanor to a gross misdemeanor for an underage person to purchase or attempt to purchase alcohol by misrepresenting that the person's age is over 21 if the person has previously been convicted of engaging in such conduct.
- 5 **Penalty to sell.** Lowers the penalty from a gross misdemeanor to a misdemeanor for a retailer to sell tobacco to a minor if the retailer has no prior convictions for unlawful tobacco sale within the previous five years. Retains the current gross misdemeanor penalty for repeat violations within a five-year period.
- 6 **Other offenses.** Increases the penalty from a misdemeanor to a gross misdemeanor for a person to furnish tobacco to a minor if the person has previously committed such a violation. Also increases the penalty from a petty misdemeanor to a misdemeanor for a minor to purchase or attempt to purchase tobacco products by using a driver's license, permit, Minnesota ID or any type of false ID to misrepresent the person's age.
- 7 **Petty misdemeanor.** Technical amendment to conform with section 6.
- 8 **Exceptions.** Recodifies a current exception in the underage tobacco sale/purchase law.
- 9 **Seizure of false identification.** Permits a retailer of tobacco products to seize a passport or a driver's license or identification card issued by this state or another jurisdiction if the retailer has reasonable grounds to believe that the ID has been altered or falsified or is being used to violate any law. The retailer must deliver the seized ID to a law enforcement agency within 24 hours of the seizure.
- 10 **Effective date.** August 1, 2000, for violations occurring on or after that date.