

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 51

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GLORIA HOWES

FOR THE DWI OVERSIGHT TASK FORCE

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; PRESCRIBING CRIMINAL PENALTIES
FOR PROVIDING ALCOHOL TO A MINOR OR SERVING A MINOR; AMENDING A
SECTION OF THE LIQUOR CONTROL ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-7B-1 NMSA 1978 (being Laws 1993,
Chapter 68, Section 22) is amended to read:

"60-7B-1. SELLING OR GIVING ALCOHOLIC BEVERAGES TO
MINORS-- POSSESSION. --

A. It is a violation of the Liquor Control Act for
any person, including a person licensed pursuant to the
provisions of the Liquor Control Act or any employee, agent or
lessee of that person, if he knows or has reason to know that he
is violating the provisions of this section, to:

- (1) sell, serve or give any alcoholic beverages

1 to a minor or permit a minor to consume alcoholic beverages on
2 the licensed premises;

3 (2) buy alcoholic beverages for or procure the
4 sale or service of alcoholic beverages to a minor;

5 (3) deliver alcoholic beverages to a minor; or

6 (4) aid or assist a minor to buy, procure or be
7 served with alcoholic beverages.

8 B. It is not a violation of the Liquor Control Act,
9 as provided in Subsection A of this section, when a parent or
10 legal guardian of a minor serves alcoholic beverages to the
11 minor on real property, other than licensed premises, under the
12 control of the parent or legal guardian.

13 [~~B.~~]C. It is a violation of the Liquor Control Act
14 for any minor to buy, attempt to buy, receive, possess or permit
15 himself to be served with any alcoholic beverages.

16 [~~C.~~]D. In the event any person except a minor
17 procures any other person to sell, serve or deliver any
18 alcoholic beverages to a minor by actual or constructive
19 misrepresentation of any facts calculated to cause, or by a
20 concealment of any facts the concealment of which is calculated
21 to cause, the person selling, serving or delivering the
22 alcoholic beverages to the minor to believe that such minor is
23 legally entitled to be sold, served or delivered alcoholic
24 beverages and actually deceiving him by such misrepresentation
25 or concealment, then that person and not the person so deceived

Underscored material = new
[bracketed material] = delete

1 by such misrepresentation or concealment shall have violated the
2 Liquor Control Act.

3 ~~[D.]~~E. As used in the Liquor Control Act, "minor"
4 means any person under twenty-one years of age.

5 ~~[E.]~~F. Violation of this section by a minor with
6 respect to possession is a petty misdemeanor. Upon conviction,
7 the offender may be sentenced in accordance with Section 31-19-1
8 NMSA 1978. Any sentence imposed pursuant to this subsection may
9 be suspended in the discretion of the court upon the condition
10 that:

11 (1) the minor ~~[accepts]~~ accept the suspension
12 of his driver's license for a period not to exceed three months,
13 whereupon the trial court may dismiss the possession of
14 alcoholic beverage charge and it shall not be considered a
15 conviction. In the event the minor's driver's license is to be
16 suspended, the trial court shall inform the motor vehicle
17 division of the taxation and revenue department of the action;
18 provided, however, if the minor drives during the period of
19 suspension, then the court may impose a fine, jail sentence or
20 both, such fine and sentence not to exceed the maximums imposed
21 for petty misdemeanors or may impose punishment pursuant to
22 Paragraph (2) of this subsection; and

23 (2) the minor assist in a community project
24 designated by the court, up to fifty hours, whereupon the trial
25 court may dismiss the possession of alcoholic beverage charge

. 113200. 2

Underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and it shall not be considered a conviction."

Section 2. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 1997.

- 4 -

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

3
4
5
6 February 3, 1997

7
8 Mr. President:

9
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

12
13 SENATE BILL 51

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.
18

19
20 Respectfully submitted,

21
22
23
24
25 _____
Shannon Robinson, Chairman

Underscored material = new
[bracketed material] = delete

Adopted _____ Not Adopted _____

1 (Chief Clerk)

(Chief Clerk)

2

3

4 Date _____

5

6

7 The roll call vote was 5 For 0 Against

8 Yes: 5

9 No: 0

10 Excused: Garcia, Ingle, Smith, Vernon

11 Absent: 0

12

13

14 S0051PA1

15

16

17

18

19

20

21

22

23

24

25