

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 495

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO ALCOHOL VIOLATIONS; AMENDING SECTION 18-1502, IDAHO CODE, TO
2 PROVIDE THAT CERTAIN VIOLATIONS AND RECORDS OF VIOLATIONS SHALL BE VA-
3 CATED AND SEALED.
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 18-1502, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 18-1502. BEER, WINE OR OTHER ALCOHOL AGE VIOLATIONS -- FINES. (a)
9 Whenever a person is in violation, on the basis of his age, of any federal,
10 state, or municipal law or ordinance pertaining to the use, possession, pro-
11 curement, or attempted procurement, or dispensing of any beer, wine or other
12 alcoholic beverage product, the violation shall constitute a misdemeanor.

13 (b) Every person convicted of a misdemeanor under this section shall
14 be punished by a fine of not more than one thousand dollars (\$1,000). The
15 second conviction under this section shall be punished by a fine of not more
16 than two thousand dollars (\$2,000), or up to thirty (30) days in jail or both.
17 The third and subsequent conviction under this section shall be punished by
18 a fine of not more than three thousand dollars (\$3,000), or up to sixty (60)
19 days in jail or both.

20 (c) A conviction under this section shall not be used or considered in
21 any manner for purposes of motor vehicle insurance.

22 (d) Whenever a person pleads guilty or is found guilty of violating any
23 law pertaining to the possession, use, procurement, attempted procurement
24 or dispensing of any beer, wine, or other alcoholic beverage, and such person
25 was under twenty-one (21) years of age at the time of such violation, then in
26 addition to the penalty provided in subsection (b) of this section:

27 (1) The court shall suspend the person's driving privileges for a pe-
28 riod of not more than one (1) year. The person may request restricted
29 driving privileges during the period of suspension, which the court may
30 allow, if the person shows by a preponderance of the evidence that driv-
31 ing privileges are necessary as deemed appropriate by the court.

32 (2) If the person's driving privileges have been previously suspended
33 under this section, the court shall suspend the person's driving priv-
34 ileges for a period of not more than two (2) years. The person may re-
35 quest restricted driving privileges during the period of suspension,
36 which the court may allow, if the person shows by a preponderance of the
37 evidence that driving privileges are necessary as deemed appropriate by
38 the court.

39 (3) The person shall surrender his license or permit to the court.

40 (4) The court shall notify the motor vehicle division of the Idaho
41 transportation department of all orders of suspension it issues pur-
42 suant to this section.

1 (5) The court, in its discretion, may also order the person to undergo
2 and complete an alcohol evaluation and to complete an alcohol treatment
3 or education program in the same manner that persons sentenced pursuant
4 to section 18-8005, Idaho Code, are required to undergo and complete.

5 (6) A person who has been found guilty of only one (1) violation of this
6 section or section 23-604, Idaho Code, and does not have any alcohol
7 or drug related findings of guilt, in this state or any state, within
8 five (5) years of the commission of a violation of this section or sec-
9 tion 23-604, Idaho Code, shall have such finding completely vacated
10 and sealed by the court. The person shall have the responsibility for
11 initiating this process, and the court shall provide a form for the
12 convicted person to use. No fee shall be charged by the court for this
13 process.