

HB 1629 with HCA 1 -- POSSESSION OF INTOXICATING LIQUOR

SPONSOR: Cookson

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 9 to 2.

This bill specifies that the provisions regarding the sale of intoxicating liquor to a minor and the permitted drinking or possession of intoxicating liquor of a minor are to be known as Austin's Law.

The bill changes the penalty for a person who knowingly allows a minor to drink or possess intoxicating liquor who is not the minor's parent or guardian from a class B misdemeanor to a class D felony for an offense committed before January 1, 2017, and a class E felony for an offense committed on or after January 1, 2017.

The penalty for any subsequent violation is changed from a class A misdemeanor to a class C felony for an offense committed before January 1, 2017, and a class D felony for any subsequent violation committed on or after January 1, 2017. If an individual under the age of 21 injures or kills another person while intoxicated, the penalty is a class B felony. The bill exempts any business licensed to sell alcohol and his or her employee from the class B felony provisions of the bill.

"Powdered alcohol" means alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use or for reconstitution in a nonalcoholic liquid.

The provisions of the bill regarding powdered alcohol contain an emergency clause.

HCA #1: This amendment removes the section that created the offense of illegal possession of powdered alcohol.

This bill is similar to HCS HB 180 (2015).

PROPOSERS: Supporters say that this bill increases the penalty from a misdemeanor to a felony and only impacts the new criminal code. One witness testified that her son was killed by a drunk driver that became intoxicated after consuming powdered alcohol.

Testifying for the bill were Representative Cookson and Nancy Elliot.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say alcohol is the number one substance abused by minors.

Testifying on the bill was Angela Bonire, Act Missouri.