

1 H.341

2 Introduced by Representative Komline of Dorset

3 Referred to Committee on

4 Date:

5 Subject: Alcoholic beverages; minors in possession

6 Statement of purpose: This bill proposes to prohibit a minor from participating  
7 in the court diversion program more than once for unlawfully possessing or  
8 consuming alcohol.

9 An act relating to minors in possession of alcoholic beverages

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 7 V.S.A. § 656 is amended to read:

12 § 656. MINORS MISREPRESENTING AGE, PROCURING, POSSESSING,  
13 OR CONSUMING LIQUORS; FIRST OFFENSE; CIVIL  
14 VIOLATION

15 \* \* \*

16 (b)(1) A law enforcement officer shall issue a notice of violation, in a form  
17 approved by the court administrator, to a person who violates this section if the  
18 person has not previously been adjudicated in violation of this section, referred  
19 to the diversion board for a violation of this section, or convicted of violating  
20 section 657 of this title. The notice of violation shall require the person to

1 provide his or her name and address, and shall explain procedure under this  
2 section, including that:

3 (A) the person must contact the diversion board in the county where  
4 the offense occurred within 15 days;

5 (B) failure to contact the diversion board within 15 days will result in  
6 the case being referred to the judicial bureau, where the person, if found liable  
7 for the violation, will be subject to a penalty of \$300.00 and a 90-day  
8 suspension of the person's operator's license, and may face substantially  
9 increased insurance rates;

10 (C) no money should be submitted to pay any penalty until after  
11 adjudication; and

12 (D) the person shall notify the diversion board if the person's address  
13 changes.

14 \* \* \*

15 (c)(1) A person who violates this section commits a civil violation and shall  
16 be subject to a civil penalty of \$300.00, and the person's operator's license and  
17 privilege to operate a motor vehicle shall be suspended for a period of 90 days.  
18 The state may obtain a violation under this section or a conviction under  
19 section 657 of this title, but not both.

20 (2) A person shall not be referred to the diversion board more than once  
21 for a violation of this section. If a person has been previously adjudicated in

1 violation of this section or referred to the diversion board for a violation of this  
2 section, the person may only be prosecuted under section 657 of this title.

3 \* \* \*

4 Sec. 2. 7 V.S.A. § 657 is amended to read:

5 § 657. MINORS MISREPRESENTING AGE OR PROCURING OR  
6 POSSESSING LIQUORS; ALCOHOL AND DRIVING  
7 EDUCATION

8 \* \* \*

9 (b) A law enforcement officer shall issue a citation for a violation of this  
10 section if a person has been previously adjudicated in violation of this section  
11 or section 656 of this title, or if a person has been previously referred to the  
12 diversion board for a violation of section 656 of this title.

13 \* \* \*