

HOUSE BILL NO. HB0248

Minors possessing alcohol or controlled substances.

Sponsored by: Representative(s) Harshman, Hinckley, Watt
and White and Senator(s) Barrasso and Vasey

A BILL

for

1 AN ACT relating to crimes and offenses; modifying penalties
2 for minors possessing alcohol or being under the influence
3 of alcohol or controlled substances; modifying penalties
4 for the offense of providing alcohol to minors; modifying
5 penalties for minors with detectable alcohol concentrations
6 operating vehicles; requiring substance abuse assessments;
7 and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 7-13-1302, 12-6-101(a), (b) (intro)
12 and (c) and 31-5-234(e) are amended to read:

13

14 **7-13-1302. Substance abuse assessment required.**

15

1 All persons convicted of a third misdemeanor under W.S.
2 31-5-233(e) or a felony shall receive, as a part of a
3 presentence report, a substance abuse assessment. A person
4 convicted under W.S. 12-6-101(b) shall receive a substance
5 abuse assessment prior to any grant of probation. The cost
6 of the substance abuse assessment shall be assessed to and
7 paid by the offender. A person who has undergone a
8 substance abuse assessment pursuant to W.S. 31-5-233(e) may
9 receive a second assessment under this section if the court
10 finds that enough time has passed to make the first
11 assessment inaccurate.

12

13 **12-6-101. Sale or possession prohibited; when**
14 **possession unlawful; public drunkenness; falsification of**
15 **identification; penalty; prima facie identification as**
16 **defense.**

17

18 (a) Any person who sells, furnishes, gives or causes
19 to be sold, furnished or given away any alcoholic liquor or
20 malt beverage to any person under the age of twenty-one
21 (21) years, who is not his legal ward, medical patient or
22 member of his own immediate family, is guilty of a
23 misdemeanor, punishable by a fine of not less than five
24 hundred dollars (\$500.00) nor more than seven hundred fifty

1 dollars (\$750.00), imprisonment for not more than six (6)
2 months, or both. This subsection does not apply to sales
3 by the commission or a wholesaler to a licensee under this
4 title.

5
6 (b) Any person under the age of twenty-one (21) years
7 who has any alcoholic or malt beverage in his possession or
8 who is drunk or under the influence of alcoholic liquor,
9 malt beverages or a controlled substance on any street or
10 highway or in any public place is guilty of a misdemeanor
11 punishable by a fine of not less than two hundred fifty
12 dollars (\$250.00) nor more than seven hundred fifty dollars
13 (\$750.00), imprisonment for not more than six (6) months,
14 or both, for a first conviction. A second conviction under
15 this subsection shall be punishable by a fine of not less
16 than five hundred dollars (\$500.00), nor more than seven
17 hundred fifty dollars (\$750.00), imprisonment for not less
18 than six (6) months, or both. A third or subsequent
19 conviction under this subsection shall be punishable by a
20 fine of not less than seven hundred fifty dollars (\$750.00)
21 nor more than one thousand dollars (\$1,000.00),
22 imprisonment for not less than six (6) months, or both.
23 The court shall order the person to undergo a substance
24 abuse assessment under W.S. 7-13-1302 and complete any

1 recommended treatment for any conviction under this
2 subsection as a condition of probation. This subsection
3 does not apply to possession of alcoholic or malt beverages
4 by a person under the age of twenty-one (21) years:
5

6 (c) Any person under the age of twenty-one (21) years
7 who attempts in any manner to purchase alcoholic or malt
8 beverages or who falsifies any identification or uses any
9 false identification in order to obtain alcoholic or malt
10 beverages is guilty of a misdemeanor punishable by a fine
11 of not less than two hundred fifty dollars (\$250.00) nor
12 more than seven hundred fifty dollars (\$750.00),
13 imprisonment for not more than six (6) months, or both for
14 a first conviction. A second conviction under this
15 subsection shall be punishable by a fine of not less than
16 five hundred dollars (\$500.00), nor more than seven hundred
17 fifty dollars (\$750.00), imprisonment for not less than six
18 (6) months, or both. A third or subsequent offense under
19 this subsection shall be punishable by a fine of not less
20 than seven hundred fifty dollars (\$750.00) nor more than
21 one thousand dollars (\$1,000.00), imprisonment for not less
22 than six (6) months, or both.
23

1 **31-5-234. Unlawful operation of vehicle by youthful**
2 **driver with detectable alcohol concentration; penalty.**

3
4 (e) A person convicted of violating this section
5 shall be guilty of a misdemeanor punishable by a fine of
6 not ~~more~~less than two hundred fifty dollars (\$250.00) nor
7 more than seven hundred fifty dollars (\$750.00), by
8 imprisonment for not more than six (6) months, or both. A
9 person convicted of violating this section a second time
10 within one (1) year of the first conviction is guilty of a
11 misdemeanor punishable by imprisonment for not more than
12 ~~one (1) month~~six (6) months, a fine of not ~~more~~less than
13 five hundred dollars (\$500.00) nor more than seven hundred
14 fifty dollars (\$750.00), or both. A person convicted of a
15 third or subsequent conviction under this section within
16 two (2) years shall be guilty of a misdemeanor punishable
17 by imprisonment for not more than six (6) months, a fine of
18 not ~~more~~less than seven hundred fifty dollars (\$750.00)
19 nor more than one thousand dollars (\$1,000.00), or both.
20 The court may order the person to undergo a substance abuse
21 assessment under W.S. 7-13-1302 and complete any
22 recommended treatment for any conviction under this section
23 as a condition of probation. Notwithstanding any other
24 provision of law, the term of probation imposed by a judge

1 under this section may exceed the maximum term of
2 imprisonment established for the offense under this
3 subsection provided the term of probation together with any
4 extension thereof, shall in no case exceed three (3) years.

5

6 **Section 2.** This act is effective July 1, 2005.

7

8 (END)