

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 336**

Introduced by Kruse, 13; Burling, 33; Carlson, 38; Engel, 17;  
Hansen, 42; Hudkins, 21; Pahls, 31; Pedersen, 39;  
Synowiecki, 7;

Read first time January 11, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend  
2 section 53-180.05, Reissue Revised Statutes of Nebraska;  
3 to change a penalty relating to providing alcoholic  
4 liquor to a minor; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 53-180.05, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           53-180.05 ~~(1)~~ Any (1)(a) Except as provided in  
4 subdivision (1)(b) of this subsection, any person violating section  
5 53-180 shall be guilty of a Class I misdemeanor, and the court  
6 shall, as part of the judgment of conviction, order that the motor  
7 vehicle operator's license of such person be revoked or impounded  
8 for a period of ninety days. Such revocation or impoundment shall  
9 be administered upon sentencing, upon final judgment of any appeal  
10 or review, or upon the date that any probation is revoked.

11           (b) Any person violating section 53-180 is guilty of  
12 a Class IV felony if the alcohol provided in violation of such  
13 section is consumed by any minor who subsequently is injured or  
14 commits an act which causes serious bodily injury to or death of  
15 another person, and the court shall, as part of the judgment of  
16 conviction, order that the motor vehicle operator's license of such  
17 person be revoked or impounded for a period of ninety days. Such  
18 revocation or impoundment shall be administered upon sentencing,  
19 upon final judgment of any appeal or review, or upon the date that  
20 any probation is revoked.

21           (c) Any employee of a retail licensee who sells alcoholic  
22 liquor to a minor participating in a compliance check under  
23 section 53-1,122 is guilty of a Class I misdemeanor. Such employee  
24 shall not be subject to revocation or impoundment of his or her  
25 operator's license.

1           (d) Any person violating any of the provisions of  
2 sections 53-180.01 to 53-180.03 shall be guilty of a Class III  
3 misdemeanor.

4           (2) Any person who knowingly manufactures, creates, or  
5 alters any form of identification for the purpose of sale or  
6 delivery of such form of identification to a person under the age  
7 of twenty-one years shall be guilty of a Class I misdemeanor. For  
8 purposes of this subsection, form of identification means any card,  
9 paper, or legal document that may be used to establish the age of  
10 the person named thereon for the purpose of purchasing alcoholic  
11 liquor.

12           (3) When a minor is arrested for a violation of sections  
13 53-180 to 53-180.02 or subsection (2) of this section, the law  
14 enforcement agency employing the arresting peace officer shall make  
15 a reasonable attempt to notify such minor's parent or guardian of  
16 the arrest.

17           Sec. 2. Original section 53-180.05, Reissue Revised  
18 Statutes of Nebraska, is repealed.