

LEGISLATIVE BILL 493

Approved by the Governor April 26, 1985

Introduced by Chizek, 31

AN ACT relating to liquor; to amend sections 53-180.04 and 53-180.05, Reissue Revised Statutes of Nebraska, 1943; to change penalties relating to the purchase of alcoholic liquor for or sale of alcoholic liquor to a minor or incompetent; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 53-180.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-180.04. Every licensee of a place where alcoholic liquor is sold shall display at all times in a prominent place a printed card with a minimum height of twenty inches, and a width of fourteen inches, with each letter to be a minimum of one-fourth inch in height, which shall read as follows:

WARNING TO ~~MINORS~~ PERSONS UNDER 21
 YOU ARE SUBJECT TO A ~~FINE~~ PENALTY UP TO
 \$500 FINE
 3 MONTHS IN JAIL
 OR BOTH

IF A ~~MINOR~~ YOU ARE UNDER 21 AND YOU PURCHASE
 OR ATTEMPT TO PURCHASE
 OR HAVE IN YOUR POSSESSION
 ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT
 AND

WARNING TO ADULTS
YOU ARE SUBJECT TO A PENALTY UP TO
 \$1000 ~~\$500~~ FINE AND
 1 YEAR ~~3 MONTHS~~ IN JAIL
 OR BOTH

IF ~~OVER 21~~ YOU ARE 21 OR OVER AND YOU PURCHASE ALCOHOLIC
 LIQUOR

FOR A ~~MINOR~~ PERSON UNDER 21
 LAWS OF THE STATE OF NEBRASKA

Sec. 2. That section 53-180.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-180.05. (1) Any person, except a person licensed pursuant to Chapter 53 or an employee of such licensee, violating any of the provisions of section 53-180 shall be guilty of a Class ~~III~~ I misdemeanor. Any person violating any of the provisions of sections 53-180.01 to 53-180.04 not involving the use of false or

altered identification shall be guilty of a Class III misdemeanor. Any person violating any of the provisions of sections 53-180.01 to 53-180.04 involving the use of false or altered identification shall be guilty of a Class III misdemeanor. Any person violating subsection (2) of section 53-186.01 shall be guilty of a Class III misdemeanor. Any person violating any of the provisions of section 53-180.02 shall be guilty of a Class III misdemeanor, and in lieu of the above penalties, the court may sentence such person to work on public streets, parks, or other public property for a period not exceeding ten working days. Such work shall be under the supervision of the county sheriff. Upon the written certification by the county sheriff of the performance of such work, the sentence shall be deemed to be satisfied.

(2) Any licensee or employee thereof who violates any of the provisions of section 53-180 shall be guilty of a Class III misdemeanor. Prosecution pursuant to this subsection shall be limited to the person who is alleged to have been involved in the actual transaction with a minor, and there shall be no prosecution of a licensee as the result of actions by an employee without the knowledge of the licensee.

(3) Any person who knowingly manufactures, creates, or alters any form of identification for the purpose of sale or delivery of such form of identification to a person under the age of twenty-one years shall be guilty of (a) a Class III misdemeanor for the first such offense, except that no person so convicted shall be sentenced to less than twenty-four hours in jail or fined one hundred dollars, or both, and (b) a Class II misdemeanor for any second or subsequent offense, except that no person so convicted shall be sentenced to less than forty-eight hours in jail or fined five hundred dollars, or both. No sentence or condition of probation shall be imposed on any person convicted under this subsection in a manner which reduces the actual term of imprisonment served by the convicted person and the actual fine paid by the convicted person to less than the minimum term or fine prescribed under this subsection. For purposes of this subsection, form of identification shall mean any card, paper, or legal document that may be used to establish the age of the person named thereon for the purposes of purchasing alcoholic liquors.

Sec. 3. This act shall become operative on January 1, 1986.

Sec. 4. That original sections 53-180.04 and 53-180.05, Reissue Revised Statutes of Nebraska, 1943, are repealed.