

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 9, 1999

LB 126

about checking IDs and work harder to prevent the young people from buying the alcohol. The current penalties for minor in possession is \$500 fine and three months in jail. There's no minimum. And for providing alcohol to a minor is a Class I misdemeanor, up to 1,000 fine and one year in jail. LB 126 would increase those penalties to first offense would be a mandatory \$250 fine and six months driver's license suspension. The second offense would be a mandatory \$500 fine and a one-year driver's license suspension, and the third offense would be a mandatory \$750 fine and two-year driver's license suspension, or until the age of 21, whichever is longer. If a young person is granted probation, there would be a mandatory driver's license suspension for 90 days for the first offense, and six months for the second or third offense. All minor in possession violations would be reported to the parents. LB 126 also closes a loophole in the current law by adding consumption to the definition of minor in possession. Some judges have ruled that minors, who had consumed alcohol, could not be convicted of minor in possession, unless they were caught with the alcohol in their possession. So I think that the new penalties here are something that will help. Thirty-three states, include all the states around Nebraska, have some type of driver's license penalty for minor in possession. LB 126 also deals with the problems of the young people who buy from licensed retailers. The Liquor Control Commission currently has the authority to suspend the retail liquor license. However, retailers have the right to pay a fine in lieu of suspension of \$50 per day for the first offense, and \$100 per day for the second, and all offenses after that. Most retailers choose the option to pay the fine. LB 126 would give the commission the authority to order a retailer to suspend the license for a period of time without being able to pay a fine for repeated violations. Law enforcement does compliance checks also of retail license holders, and in the last two years, an average of 38 percent of all retail license sold to minors in these compliance checks or sold to minors...

PRESIDENT MAURSTAD: One minute.

SENATOR SCHELLPEPER: ...in these compliance checks. So I think you can see that LB 126 is designed to not completely stop the minor in possession, but to help control the minor from