

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 197

As Amended by House Committee of the Whole

Brief*

SB 197 would increase the penalties for minors who violate the law on possession or consumption of alcoholic liquor or cereal malt beverages more than once. For a second conviction, the minor's driver's license would be suspended for 90 days, and for a third or subsequent conviction, the minor's driver's license would be suspended for one year. Under current law, the suspension is for 30 days for any violation.

The Senate Committee reinstated language stricken in the original bill which provides an exception for parents furnishing cereal malt beverages to their child.

The House Committee inserted provisions of HB 2319, as amended, into the bill. These changes would require a social host to knowingly permit consumption of alcoholic or cereal malt beverages by persons under 18. The penalty is a class B misdemeanor and a fine of \$200. In addition, the House Committee deleted section three of the bill.

The House Committee of the Whole amended the bill to provide that any retail license issued prior to the effective date of the bill for premises not located in an incorporated city or in a township having a population of more than 5,000 will continue to be valid and the premises will continue to be eligible for licensure if the board of county commissioners of the county in which the premises are located has adopted a resolution approving the issuance of the license. A certified copy of the resolution must accompany the application for a license.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The original bill was supported by an Overland Park municipal judge, a court services officer, representatives of the Overland Park and Olathe police departments, the Kansas Department of Transportation, and the Kansas Mothers Against Drunk Drivers organization.

The fiscal note on the bill as introduced noted there would be increased cases due to the repeal of the parent defense, but said the increased cost was not known.