

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

562D0533

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1097** - 1/24/00

Introduced by: Representatives McCoy, Brooks, Fitzgerald, and Roe and Senators Olson,
Albers, and Drake

1 FOR AN ACT ENTITLED, An Act to require sellers of tobacco and alcohol to retain the age-
2 bearing documents of persons suspected of misrepresenting their age for the purpose of
3 purchasing those products and to require community service of those who misrepresent their
4 ages for the purpose of purchasing tobacco and alcohol.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 No person may misrepresent that person's age with the use of any document for the purpose
9 of purchasing or attempting to purchase tobacco products. A violation of this section is a Class
10 2 misdemeanor. In addition to any other penalty, a person convicted of a violation of this section
11 may perform community service as ordered by the judge.

12 Section 2. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any seller of tobacco products who has reason to believe that a person has misrepresented
15 that person's age by use of any document for the purpose of purchasing or attempting to
16 purchase tobacco products may retain the document and surrender it to a law enforcement

1 officer.

2 Section 3. That § 35-9-2 be amended to read as follows:

3 35-9-2. It is a Class 2 misdemeanor for any person under the age of twenty-one years to
4 purchase, attempt to purchase, or possess or consume alcoholic beverages except when
5 consumed in a religious ceremony and given to said person by an authorized person, or to
6 misrepresent ~~his~~ that person's age with the use of any document for the purpose of purchasing
7 or attempting to purchase alcoholic beverages from any licensee licensed under this title. In
8 addition to any other penalty, any person who is convicted of misrepresentation of that person's
9 age may perform community service as ordered by the judge.

10 Section 4. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any seller of alcoholic beverages who has reason to believe that a person has misrepresented
13 that person's age by use of any document for the purpose of purchasing or attempting to
14 purchase alcoholic beverages may retain the document and surrender it to a law enforcement
15 officer.

1 **BILL HISTORY**

2 1/15/00 First read in House and referred to committee assignment waived. H.J. 59

3 1/18/00 Referred to Judiciary. H.J. 120

4 1/21/00 Scheduled for Committee hearing on this date.

5 1/21/00 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 4. H.J. 189