

**1st Sub. S.B. 187**  
**RECLASSIFICATION OF MISDEMEANORS**

Senator **Daniel W. Thatcher** proposes the following amendments:

1. *Page 2, Lines 29 through 32:*

29           {~~32B-4-410, as last amended by Laws of Utah 2015, Chapter 165~~  
30    ~~32B-4-419, as enacted by Laws of Utah 2010, Chapter 276~~  
31    ~~32B-4-421, as enacted by Laws of Utah 2010, Chapter 276~~  
32    ~~32B-4-422, as last amended by Laws of Utah 2011, Chapter 307~~}

2. *Page 10, Line 281 through Page 13, Line 369:*

281           {~~Section 9. Section 32B-4-410 is amended to read:~~  
282    ~~32B-4-410. Unlawful admittance or attempt to gain admittance by minor.~~  
283    ~~(1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the~~  
284    ~~premises of:~~  
285    ~~(a) a tavern; or~~  
286    ~~(b) a social club licensee, except to the extent authorized by Section 32B-6-406.1.~~  
287    ~~(2) A minor who violates this section is guilty of [a class C misdemeanor] an~~  
288    ~~infraction.~~  
289    ~~(3) (a) If a minor is found by a court to have violated this section and the violation is~~  
290    ~~the minor's first violation of this section, the court may:~~  
291    ~~(i) order the minor to complete a screening as defined in Section 41-6a-501;~~  
292    ~~(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the~~  
293    ~~screening indicates an assessment to be appropriate; and~~  
294    ~~(iii) order the minor to complete an educational series as defined in Section 41-6a-501~~  
295    ~~or substance abuse treatment as indicated by an assessment.~~  
296    ~~(b) If a minor is found by a court to have violated this section and the violation is the~~  
297    ~~minor's second or subsequent violation of this section, the court shall:~~  
298    ~~(i) order the minor to complete a screening as defined in Section 41-6a-501;~~  
299    ~~(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the~~  
300    ~~screening indicates an assessment to be appropriate; and~~  
301    ~~(iii) order the minor to complete an educational series as defined in Section 41-6a-501~~  
302    ~~or substance abuse treatment as indicated by an assessment.~~  
303    ~~(4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is~~  
304    ~~found by a court to have violated this section, except as provided in Section 32B-4-411, the~~  
305    ~~court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.~~

306 ~~—— (b) Notwithstanding the provision in Subsection (4)(a), the court may reduce the~~  
307 ~~suspension period required under Section 53-3-219 if:~~  
308 ~~—— (i) the violation is the minor's first violation of this section; and~~  
309 ~~—— (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or~~  
310 ~~—— (B) the minor demonstrates substantial progress in substance abuse treatment.~~  
311 ~~—— (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the~~  
312 ~~requirements of Section 53-3-219, the court may reduce the suspension period required under~~  
313 ~~Section 53-3-219 if:~~  
314 ~~—— (i) the violation is the minor's second or subsequent violation of this section;~~  
315 ~~—— (ii) the minor has completed an educational series as defined in Section 41-6a-501 or~~  
316 ~~demonstrated substantial progress in substance abuse treatment; and~~  
317 ~~—— (iii) (A) the person is 18 years of age or older and provides a sworn statement to the~~  
318 ~~court that the person has not unlawfully consumed alcohol or drugs for at least a one-year~~  
319 ~~consecutive period during the suspension period imposed under Subsection (4)(a); or~~  
320 ~~—— (B) the person is under 18 years of age and has the person's parent or legal guardian~~  
321 ~~provide an affidavit or sworn statement to the court certifying that to the parent or legal~~  
322 ~~guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a~~  
323 ~~one-year consecutive period during the suspension period imposed under Subsection (4)(a):~~  
324 ~~—— (5) When a minor who is at least 13 years old, but younger than 18 years old, is found~~  
325 ~~by a court to have violated this section, Section 78A-6-606 applies to the violation.~~  
326 ~~—— (6) When a court issues an order suspending a person's driving privileges for a~~  
327 ~~violation of this section, the Driver License Division shall suspend the person's license under~~  
328 ~~Section 53-3-219.~~  
329 ~~—— (7) When the Department of Public Safety receives the arrest or conviction record of a~~  
330 ~~person for a driving offense committed while the person's license is suspended pursuant to this~~  
331 ~~section, the Department of Public Safety shall extend the suspension for an additional like~~  
332 ~~period of time:~~  
333 ~~—— Section 10. Section 32B-4-419 is amended to read:~~  
334 ~~—— 32B-4-419. Unlawful permitting of intoxication:~~  
335 ~~—— (1) A person may not permit another person to become intoxicated or an intoxicated~~  
336 ~~person to consume an alcoholic product in:~~  
337 ~~—— (a) premises of which the person is the owner, tenant, or occupant; or~~  
338 ~~—— (b) a chartered bus or limousine of which the person is the owner or operator.~~  
339 ~~—— (2) A violation of Subsection (1) is [a class C misdemeanor] an infraction.~~  
340 ~~—— Section 11. Section 32B-4-421 is amended to read:~~  
341 ~~—— 32B-4-421. Unlawful consumption in public place:~~  
342 ~~—— (1) A person may not consume liquor in a public building, park, or stadium, except as~~  
343 ~~provided by this title.~~  
344 ~~—— (2) A violation of this section is [a class C misdemeanor] an infraction.~~  
345 ~~—— Section 12. Section 32B-4-422 is amended to read:~~

346 ~~32B-4-422. Unlawful dispensing.~~  
347 ~~(1) For purposes of this section:~~  
348 ~~(a) "Primary spirituous liquor" means the main distilled spirit in a beverage.~~  
349 ~~(b) "Primary spirituous liquor" does not include a secondary alcoholic product used as~~  
350 ~~a flavoring in conjunction with the primary distilled spirit in a beverage.~~  
351 ~~(2) A retail licensee licensed under this title to sell, offer for sale, or furnish spirituous~~  
352 ~~liquor for consumption on the licensed premises, or staff of the retail licensee may not:~~  
353 ~~(a) sell, offer for sale, or furnish a primary spirituous liquor to a person on the licensed~~  
354 ~~premises except in a quantity that does not exceed 1.5 ounces per beverage dispensed through a~~  
355 ~~calibrated metered dispensing system approved by the department;~~  
356 ~~(b) sell, offer for sale, or furnish more than a total of 2.5 ounces of spirituous liquor per~~  
357 ~~beverage;~~  
358 ~~(c) allow a person on the licensed premises to have more than a total of 2.5 ounces of~~  
359 ~~spirituous liquor at a time; or~~  
360 ~~(d) (i) except as provided in Subsection (2)(d)(ii), allow a person to have more than~~  
361 ~~two spirituous liquor beverages at a time; or~~  
362 ~~(ii) allow a person on the premises of the following to have more than one spirituous~~  
363 ~~liquor beverage at a time:~~  
364 ~~(A) a full-service restaurant licensee;~~  
365 ~~(B) a person operating under a full-service restaurant sublicense;~~  
366 ~~(C) an on-premise banquet licensee;~~  
367 ~~(D) a person operating under an on-premise banquet sublicense; or~~  
368 ~~(E) a single event permittee.~~  
369 ~~(3) A violation of this section is [a class C misdemeanor] an infraction. }~~