

SENATE BILL NO. 91—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SHERIFFS
AND CHIEFS ASSOCIATION)

FEBRUARY 11, 2003

Referred to Committee on Judiciary

SUMMARY—Removes element of knowledge from crime of selling, giving or furnishing alcoholic beverage to person under 21 years of age. (BDR 15-319)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to alcoholic beverages; removing the element of knowledge from the crime of selling, giving or furnishing an alcoholic beverage to any person under 21 years of age; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 202.055 is hereby amended to read as follows:
2 202.055 1. ~~Every~~ *Except as otherwise provided in this*
3 *section, a* person who : ~~knowingly;~~
4 (a) Sells, gives or otherwise furnishes an alcoholic beverage to
5 any person under 21 years of age;
6 (b) Leaves or deposits any alcoholic beverage in any place with
7 the intent that it will be procured by any person under 21 years of
8 age; or
9 (c) Furnishes, gives, or causes to be given any money or thing of
10 value to any person under 21 years of age with the knowledge that
11 the money or thing of value is to be used by the person under 21
12 years of age to purchase or procure any alcoholic beverage,
13 is guilty of a misdemeanor.



* S B 9 1 R 1 *

1 2. Paragraph (a) of subsection 1 does not apply to a parent,
2 guardian or physician of the person under 21 years of age.

3 3. *Except as otherwise provided in this subsection, in a*
4 *prosecution for a violation of paragraph (a) of subsection 1, it is a*
5 *complete defense that immediately before selling, giving or*
6 *otherwise furnishing an alcoholic beverage to a person under 21*
7 *years of age, the person who sold, gave or otherwise furnished the*
8 *alcoholic beverage was shown a document which appeared to be*
9 *issued by an agency of a federal, state or local government and*
10 *which indicated that the person to whom the alcoholic beverage*
11 *was sold, given or otherwise furnished was 21 years of age or*
12 *older at the time the alcoholic beverage was sold, given or*
13 *otherwise furnished to the person. The complete defense set forth*
14 *in this subsection does not apply if:*

15 (a) *The document which was shown to the person who sold,*
16 *gave or otherwise furnished the alcoholic beverage was*
17 *counterfeit, forged or altered, or was issued to a person other than*
18 *the person to whom the alcoholic beverage was sold, given or*
19 *otherwise furnished; and*

20 (b) *Under the circumstances, a reasonable person would have*
21 *known or suspected that the document was counterfeit, forged or*
22 *altered, or was issued to a person other than the person to whom*
23 *the alcoholic beverage was sold, given or otherwise furnished.*

24 4. Every person who sells, gives or otherwise furnishes
25 alcoholic beverages through the use of the Internet shall adopt a
26 policy to prevent a person under 21 years of age from obtaining an
27 alcoholic beverage from the person through the use of the Internet.
28 The policy must include, without limitation, a method for ensuring
29 that the person who delivers the alcoholic beverages obtains the
30 signature of a person who is over the age of 21 years when
31 delivering the beverages and that the packaging or wrapping of the
32 alcoholic beverages when they are shipped is clearly marked with
33 words that describe the alcoholic beverages. A person who fails to
34 adopt a policy pursuant to this subsection is guilty of a misdemeanor
35 and shall be punished by a fine of not more than \$500.

36 **Sec. 2.** NRS 205.460 is hereby amended to read as follows:

37 205.460 1. Every person who counterfeits, forges, alters,
38 erases or obliterates, or who attempts to counterfeit, forge, alter,
39 erase or obliterate any card, writing, paper or document, or any
40 photocopy print, photostat, or other replica of any card, writing,
41 paper or document which is designed for the purpose of personal
42 identification and which bears the age of the holder or purported
43 holder thereof, or which, although not designed for the purpose of
44 personal identification, is commonly used, or capable of being used
45 for the purpose of personal identification and bears the age of the



1 holder or purported holder thereof, with the intention that such card,
2 writing, paper or document, or photocopy print, photostat or other
3 replica thereof, be used by a person under the age of 21 years to
4 establish falsely or misrepresent his actual age for the purpose of
5 purchasing alcoholic liquor or being served alcoholic liquor in a
6 place where it is served for consumption on the premises, or
7 entering gambling establishments, or engaging in gambling in
8 gambling establishments, shall be guilty of a misdemeanor. For the
9 purposes of this subsection, the cards, writings, papers or documents
10 and the photocopy prints or other replicas thereof which, although
11 not designed for the purpose of personal identification, are
12 commonly used, or capable of being used, for the purpose of
13 personal identification, include, but are not limited to, an operator's
14 license, chauffeur's license, fishing or hunting license, selective
15 service card, organizational membership card, certificate of
16 discharge from the Armed Forces, or certificate or other record of
17 birth.

18 2. Every person who sells, lends, gives away or offers, or
19 attempts to sell, lend, give away or offer, any counterfeited, forged,
20 altered, erased or obliterated card, writing, paper or document, or
21 photocopy print, photostat or other replica thereof, of the kind
22 mentioned in subsection 1, to a person under the age of 21 years,
23 shall be guilty of a gross misdemeanor.

24 3. Every person under the age of 21 years who uses or attempts
25 to use or proffers any counterfeited, forged, erased or obliterated
26 card, writing, paper, document, or any photocopy print, photostat or
27 other replica thereof, of the kind mentioned in subsection 1, for the
28 purpose and with the intention of purchasing alcoholic liquor or
29 being served alcoholic liquor in a place where it is served for
30 consumption on the premises, or entering gambling establishments,
31 or engaging in gambling in gambling establishments, or who
32 actually purchases alcoholic liquor or is actually served alcoholic
33 liquor in a place where it is served for consumption on the premises,
34 or actually enters a gambling establishment or actually gambles
35 therein, when the purchase, service, entering or gambling is induced
36 or permitted by the presentation of any such card, writing, paper or
37 document, or any photocopy print, photostat or other replica thereof,
38 shall be guilty of a misdemeanor.

39 4. In any criminal prosecution or proceeding for the suspension
40 or revocation of any license based upon the violation of any law
41 making it unlawful ~~to sell, serve or furnish a person under the age~~
42 ~~of 21 years alcoholic liquor or upon violation of any law making it~~
43 ~~unlawful~~ to allow a person under the age of 21 years to enter a
44 gambling establishment or engage in gambling in a gambling
45 establishment, proof that the defendant licensee, or his agent or



1 employee, demanded and was shown, immediately before
2 ~~[[furnishing any alcoholic liquor to a person under the age of 21~~
3 ~~years or]]~~ allowing a person under the age of 21 years to enter a
4 gambling establishment or engage in gambling in a gambling
5 establishment, bona fide documentary evidence of the majority and
6 identity of the person issued by a federal, state, county or municipal
7 government, or subdivision or agency thereof, including, but not
8 limited to, an operator's license for a motor vehicle, a registration
9 certificate issued under the Federal Selective Service Act, or an
10 identification card issued to a member of the Armed Forces, is a
11 defense to the prosecution or proceeding for the suspension or
12 revocation of any license.

13 **Sec. 3.** This act becomes effective on July 1, 2003.

