



1 ~~jail, or, in the case of a juvenile, a detention center, for a~~  
2 ~~period not to exceed seventy-two hours or both fined and imprisoned~~  
3 ~~or, in lieu of such fine and incarceration, and shall complete~~  
4 ~~community service for a period not to exceed seventy-two hours. A~~  
5 person may, for the first offense, be placed on probation for a  
6 period not to exceed one year.

7 (2) Nothing in this article, nor any rule ~~or regulation~~ of the  
8 commissioner, ~~shall prevent or be deemed to prohibit any~~ prevents  
9 or prohibits a person who is at least eighteen years of age from  
10 serving in the lawful employment of a licensee which includes the  
11 sale and serving of alcoholic liquor.

12 (3) Nothing in this subsection ~~shall prohibit~~ prohibits a  
13 person who is at least eighteen years of age from purchasing or  
14 possessing alcoholic liquor when he or she is acting upon the  
15 request of or under the direction and control of any member of a  
16 state, federal or local law-enforcement agency or the West Virginia  
17 Alcohol Beverage Control Administration while the agency is  
18 conducting an investigation or other activity relating to the  
19 enforcement of the alcohol beverage control statutes and the rules  
20 ~~and regulations~~ of the commissioner.

21 (b) Any person under the age of twenty-one years who, for the  
22 purpose of purchasing liquor from a retail licensee, misrepresents  
23 his or her age or who for such purpose presents or offers any  
24 written evidence of age which is false, fraudulent or not actually

1 his or her own or who illegally attempts to purchase liquor from a  
2 retail licensee is guilty of a misdemeanor and, upon conviction  
3 thereof, shall be fined an amount not to exceed \$100 ~~or confined in~~  
4 ~~jail, or, in the case of a juvenile, a detention facility, for a~~  
5 ~~period not to exceed seventy-two hours, or both fined and confined~~  
6 ~~or, in lieu of such fine and imprisonment,~~ and shall complete  
7 community service for a period of time not to exceed seventy-two  
8 hours. A person may, for the first offense, be placed on probation  
9 for a period not exceeding one year. Any person convicted under  
10 this section may be sentenced pursuant to the provisions of section  
11 one-a, article eleven-a, chapter sixty-two of this code.

12 (c) Any person who knowingly buys for, gives to or furnishes  
13 to anyone under the age of twenty-one to whom he or she is not  
14 related by blood or marriage any liquor from whatever source is  
15 guilty of a misdemeanor and, upon conviction thereof, shall be  
16 fined an amount not to exceed \$250 or confined in jail for a period  
17 not to exceed ten days, or both fined and confined.

18 (d) No person while on the premises of a retail outlet may  
19 consume liquor or break the seal on any package or bottle of  
20 liquor. Any person who violates the provisions of this subsection  
21 is guilty of a misdemeanor and, upon conviction thereof, shall be  
22 fined an amount not to exceed \$100 or confined in jail for a period  
23 not to exceed ten days, or both fined and confined.

---

(NOTE: The purpose of this bill is to substitute community service for confinement in jail for persons who are under the age of twenty-one and who purchases, consumes, sells, serves or possesses alcoholic liquor or who misrepresents his or her age to purchase alcoholic liquor.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)