

SECOND REGULAR SESSION

HOUSE BILL NO. 1680

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor), ZWEIFEL, BAKER (123),
WILDBERGER, DAVIS, YAEGER, FAITH, BROWN (30), BEARDEN, MCGHEE, PAGE, BLACK, CHINN,
SATER AND MUSCHANY (Co-sponsors).

Read 1st time February 6, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4802L.02I

AN ACT

To repeal section 311.325, RSMo, and to enact in lieu thereof one new section relating to
purchase or possession of alcohol by a minor, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 311.325, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 311.325, to read as follows:

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020
3 or who is visibly intoxicated as defined in section 577.001, RSMo, or has a detectable blood
4 alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such
5 person's blood is guilty of a misdemeanor **and upon conviction shall perform community**
6 **service for the number of hours determined by the judge.** For purposes of prosecution under
7 this section or any other provision of this chapter involving an alleged illegal sale or transfer of
8 intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container
9 describing that there is intoxicating liquor therein need not be opened or the contents therein
10 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
11 that there was not intoxicating liquor in such container, but the burden of proof of such allegation
12 is on such person, as it shall be presumed that such a sealed container describing that there is
13 intoxicating liquor therein contains intoxicating liquor.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 2. For purposes of determining violations of any provision of this chapter, or of any rule
15 or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container
16 describing that there is intoxicating liquor therein need not be opened or the contents therein
17 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
18 that there was not intoxicating liquor in such container, but the burden of proof of such allegation
19 is on such person, as it shall be presumed that such a sealed container describing that there is
20 intoxicating liquor therein contains intoxicating liquor.

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