~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

May 12, 2020

**S. 891**

Introduced by Senator Shealy

S. Printed 5/12/20--S.

Read the first time January 14, 2020.

**A** **BILL**

TO AMEND SECTION 61-4-90(A), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF BEER OR WINE FOR UNDERAGE PERSON’S CONSUMPTION, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON’S PARENTAL CONSENT; TO AMEND SECTION 61-6-4070(A), RELATING TO THE TRANSFER TO PERSON UNDER THE AGE OF TWENTY-ONE YEARS, SO AS TO PROVIDE THAT COMPLIANCE TESTING MUST BE UNDER THE DIRECT SUPERVISION OF A LAW ENFORCEMENT AGENCY AND THE AGENCY MUST HAVE THE PERSON’S PARENTAL CONSENT; TO REPEAL SECTION 61-4-100, RELATING TO CRIMINAL CHARGES BROUGHT AGAINST BOTH A SELLER AND PURCHASER; AND TO REPEAL SECTION 61-6-4085, RELATING TO CHARGES AGAINST A SELLER AND MINOR PURCHASER.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 61-4-90(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to transfer or give to a person under the age of twenty‑one years for the purpose of consumption of beer or wine in the State, unless the person under the age of twenty‑one is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of beer and wine to a minor. If the person recruited and authorized by a law enforcement agency to test such compliance is under the age of eighteen years, then the testing must be under the direct supervision of a law enforcement agency, and the agency must have the person’s parental consent. A person who ~~violates this section~~ transfers or gives to a person under the age of twenty-one years for the purpose of consumption of beer or wine is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.”

SECTION 2. Section 61‑6‑4070(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to transfer or give to a person under the age of twenty‑one years for the purpose of consumption of alcoholic liquors in the State unless the person under the age of twenty‑one is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of alcoholic liquors to a minor. If the person recruited and authorized by a law enforcement agency to test such compliance is under the age of eighteen years, then the testing must be under the direct supervision of a law enforcement agency, and the agency must have the person’s parental consent. A person who ~~violates this section~~ transfers or gives to a person under the age of twenty-one years for the purpose of consumption of alcoholic liquors is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.”

SECTION 3. Sections 61-4-100 and 61-6-4085 are repealed.

SECTION 4. This act takes effect upon approval by the Governor.

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