**South Carolina General Assembly**

119th Session, 2011-2012

**S. 83**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Ford

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Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: Unlawful possession of beer

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 40](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 40](file:///h:\sj%20archive\2011\01-11-11.docx))

1/9/2012 Senate Referred to Subcommittee: Campbell (ch), Cleary, Williams, Nicholson, Gregory

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\83_20101201.docx)

**A** **BILL**

TO AMEND SECTIONS 63‑19‑2440 AND 63‑19‑2450, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL PURCHASE OR POSSESSION OF BEER, WINE, OR ALCOHOLIC LIQUORS BY PERSONS UNDER AGE TWENTY‑ONE, SECTIONS 61‑4‑50 AND 61-6-4080, RELATING TO THE UNLAWFUL SALE OF BEER, WINE, OR ALCOHOLIC LIQUORS TO PERSONS UNDER AGE TWENTY‑ONE, AND SECTIONS 61‑4‑90 AND 61‑6‑4070, RELATING TO THE UNLAWFUL TRANSFER OF BEER, WINE, OR ALCOHOLIC LIQUORS FOR THE CONSUMPTION OF PERSONS UNDER AGE TWENTY‑ONE, ALL SO AS TO PROVIDE AN EXCEPTION FOR PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES.

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

SECTION 1. A. Section 63‑19‑2440 of the 1976 Code, is amended by adding a new subsection at the end to read:

“(G) The provisions of this section do not apply to a person under the age of twenty‑one who is serving a branch of the uniformed military services of the United States.”

B. Section 63‑19‑2450 of the 1976 Code is amended by adding a new subsection at the end to read:

“(F) The provisions of this section do not apply to a person under the age of twenty‑one who is serving a branch of the uniformed military services of the United States.”

SECTION 2. A. Section 61‑4‑50(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to sell beer, ale, porter, wine, or other similar malt or fermented beverage to a person under twenty‑one years of age unless the person presents a valid military identification evidencing that the person is serving in the armed forces of the United States. A person who makes a sale in violation of this section, 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.”

B. Section 61‑6‑4080(A) of the 1976 Code is amended to read:

“(A) A person engaged in the sale of alcoholic liquors who knowingly sells the alcoholic liquors to a person under the age of twenty‑one unless the person presents a valid military identification evidencing that the person is serving in the armed forces of the United States, 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. Section 61‑4‑90(C) of the 1976 Code is amended to read:

“(C) The provisions of this section do not apply to a:

(1) spouse over the age of twenty‑one giving beer or wine to his spouse under the age of twenty‑one in their home;

(2) parent or guardian over the age of twenty‑one giving beer or wine to his children or wards under the age of twenty‑one in their home; ~~or~~

(3) person giving beer or wine to another person under the age of twenty‑one in conjunction with a religious ceremony or purpose if the beer or wine was lawfully purchased; or

(4) person giving beer or wine to another person under the age of twenty‑one who is serving in the armed forces of the United States.”

B. Section 61‑6‑4070(C) of the 1976 Code is amended to read:

“(C) The provisions of this section do not apply to a:

(1) spouse over the age of twenty‑one giving alcoholic liquors to his spouse under the age of twenty‑one in their home;

(2) parent or guardian over the age of twenty‑one giving alcoholic liquors to his children or wards under the age of twenty‑one in their home; ~~or~~

(3) person giving alcoholic liquors to another person under the age of twenty‑one in conjunction with a religious ceremony or purpose if the alcoholic liquors were lawfully purchased; or

(4) person giving beer or wine to another person under the age of twenty‑one who is serving in the armed forces of the United States.”

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect upon approval by the Governor.

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