

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 246

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 904.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 904. (1) A PERSON SHALL NOT CONSUME ALCOHOLIC LIQUOR
2 ON SCHOOL PROPERTY OR POSSESS ALCOHOLIC LIQUOR ON SCHOOL PROPERTY
3 WITH THE INTENT TO CONSUME IT ON SCHOOL PROPERTY.

4 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
5 MEANOR PUNISHABLE AS FOLLOWS:

6 (A) IF THE PERSON HAS NO PRIOR CONVICTIONS, BY IMPRISONMENT
7 FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$250.00, OR
8 BOTH.

9 (B) IF THE PERSON HAS 1 PRIOR CONVICTION, BY IMPRISONMENT
10 FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR
11 BOTH.

SB0246, As Passed House, December 8, 1999

Sub. S.B. 246 (H-4) as amended December 8, 1999

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1 (C) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS, BY
2 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
3 \$1,000.00, OR BOTH.

4 (3) THIS SECTION DOES NOT PROHIBIT A PERSON FROM CONSUMING
5 ALCOHOLIC LIQUOR ON SCHOOL PROPERTY OR POSSESSING ALCOHOLIC
6 LIQUOR ON SCHOOL PROPERTY WITH THE INTENT TO CONSUME IT ON SCHOOL
7 PROPERTY UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

8 (A) AS PART OF A GENERALLY RECOGNIZED RELIGIOUS SERVICE OR
9 RELIGIOUS CEREMONY.

10 (B) [AT] A NONSCHOOL FUNCTION OR EVENT ON SCHOOL PROPERTY
11 IF THE [SUPERINTENDENT OF THE SCHOOL DISTRICT OR, IF THE SCHOOL IS
12 NOT OPERATED BY A SCHOOL DISTRICT, THE ADMINISTRATOR OF THE SCHOOL,
13 OR HIS OR HER DESIGNEE,] HAS APPROVED CONSUMING ALCO-
14 HOLIC LIQUOR ON SCHOOL PROPERTY OR POSSESSING ALCOHOLIC LIQUOR ON
15 SCHOOL PROPERTY WITH THE INTENT TO CONSUME IT ON SCHOOL PROPERTY
16 DURING THAT FUNCTION OR EVENT.

17 (4) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
18 CONVICTED OF OR FOUND RESPONSIBLE FOR ANY OTHER VIOLATION OF LAW
19 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
20 SECTION.

21 (5) THIS SECTION DOES NOT APPLY TO A MINOR WHO COULD BE
22 SUBJECT TO PROSECUTION UNDER SECTION 703 OF THE MICHIGAN LIQUOR
23 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703.

24 (6) AS USED IN THIS SECTION:

25 (A) "PRIOR CONVICTION" MEANS A CONVICTION FOR VIOLATING THIS
26 SECTION OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS
27 SECTION.

(B) "SCHOOL" MEANS A PUBLIC SCHOOL OFFERING DEVELOPMENTAL
KINDERGARTEN, KINDERGARTEN, OR ANY GRADE FROM 1 THROUGH 12.

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1 (C) "SCHOOL PROPERTY" MEANS A BUILDING, PLAYING FIELD,
2 VEHICLE, OR OTHER PROPERTY USED FOR FUNCTIONS AND EVENTS SPON-
3 SORED BY A SCHOOL, EXCEPT A BUILDING USED PRIMARILY FOR ADULT
4 EDUCATION OR COLLEGE EXTENSION COURSES.

5 Enacting section 1. This amendatory act takes effect 90
6 days after the date it is enacted.