

Assembly Bill No. 1896

Passed the Assembly June 2, 2010

Chief Clerk of the Assembly

Passed the Senate August 5, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL’S DIGEST

AB 1896, Jeffries. Alcoholic beverage control: proof of age.

The Alcoholic Beverage Control Act makes it a misdemeanor for any person under the age of 21 years to purchase any alcoholic beverage or consume any alcoholic beverage in any on-sale premises. The act also subjects a holder of a license to sell alcoholic beverages to criminal prosecution and suspension or revocation of that license if the licensee sells any alcoholic beverages to any person under the age of 21 years. Existing law provides that a licensee’s acceptance of bona fide evidence, as defined, constitutes a defense to any action against the licensee. Existing law requires that evidence to contain a description of the person.

Existing law includes, as bona fide evidence of age, a military identification card issued to a member of the Armed Forces that contains, among other things, a description of the cardholder. Existing law also provides, however, that, if the military identification card lacks a physical description but does include date of birth and a photo, further proof of age is not required.

This bill would revise the provision relating to the use of military identification cards as proof of age for purposes of purchasing or consuming alcoholic beverages, to directly specify that a valid identification card issued to a member of the Armed Forces that includes the date of birth and a photo of the person would, under all circumstances, constitute bona fide evidence of age.

The people of the State of California do enact as follows:

SECTION 1. Section 25660 of the Business and Professions Code is amended to read:

25660. (a) Bona fide evidence of majority and identity of the person is any of the following:

(1) A document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not

limited to, a valid motor vehicle operator's license, that contains the name, date of birth, description, and picture of the person.

(2) A valid passport issued by the United States or by a foreign government.

(3) A valid identification card issued to a member of the Armed Forces that includes a date of birth and a picture of the person.

(b) Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by Section 25658, 25663, or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

Approved _____, 2010

Governor