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18 Pa.C.S.A. § 6308

§ 6308. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages
Effective: January 31, 2005

18 Pa.C.S.A. § 6308

Purdon's Pennsylvania Statutes and Consolidated Statutes [Currentness](#)
Title 18 Pa.C.S.A. Crimes and Offenses [\(Refs & Annos\)](#)

Part II. Definition of Specific Offenses

Article G. Miscellaneous Offenses

Chapter 63. Minors (Refs & Annos)

➔ § 6308. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages

(a) Offense defined.--A person commits a summary offense if he, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages, as defined in section 6310.6 (relating to definitions). For the purposes of this section, it shall not be a defense that the liquor or malt or brewed beverage was consumed in a jurisdiction other than the jurisdiction where the citation for underage drinking was issued.

(b) Penalty.--In addition to the penalty imposed pursuant to section 6310.4 (relating to restriction of operating privileges), a person convicted of violating subsection (a) may be sentenced to pay a fine of not more than \$500 for the second and each subsequent violation.

(c) Preadjudication disposition.--

(1) When a person is charged with violating subsection (a), the magisterial district judge may admit the offender to the adjudication alternative as authorized in 42 Pa.C.S. § 1520 (relating to adjudication alternative program) or any other preadjudication disposition if the offender has not previously received a preadjudication disposition for violating subsection (a).

(2) The use of a preadjudication disposition shall be considered a first or subsequent offense, whichever is applicable, for the purpose of further adjudication under this section or under section 6310.4.

(d) Notification.--The police department making an arrest for a suspected violation of subsection (a) shall so notify the parents or guardian of the minor charged.

<Subsec. (e) expires Dec. 31, 2017.>

(e) Exception for compliance checks.--

(1) An individual who is under 21 years of age may purchase, attempt to purchase, possess or transport liquor or malt or brewed beverages if all of the following apply:

(i) The individual is at least 18 years of age.

(ii) The individual is an officer, employee or intern of the Bureau of Liquor Control Enforcement of the Pennsylvania State Police.

(iii) The individual has completed training specified by the bureau.

(iv) The individual is acting within the scope of prescribed duties.

(v) The individual is acting under the direct control or supervision of a bureau officer who is an adult.

(2) Under no circumstances may individuals under 21 years of age consume liquor or malt or brewed beverages.

(3) The Pennsylvania State Police shall promulgate regulations prescribing the manner in which compliance checks are to be performed. Compliance checks under this subsection shall be conducted in a manner consistent with the regulations. Regulations shall require, at a minimum, all of the following:

(i) Prior to participation in the compliance check, the officer, employee or intern shall undergo training approved by the Bureau of Liquor Control Enforcement.

(ii) A person licensed to sell liquor or malt or brewed beverages that is found to be in compliance with this section during a compliance check shall be notified in writing of the compliance check and the determination of compliance.

(iii) A person licensed to sell liquor or malt or brewed beverages that is found to be noncompliant with this section during a compliance check shall be immediately verbally advised by the supervising bureau officer and shall be notified in writing of the failure to comply within ten working days of the date of the compliance check.

CREDIT(S)

1972, Dec. 6, P.L. 1482, No.334, § 1, effective June 6, 1973. Amended 1978, April 28, P.L. 202, No. 53, § 7(8), eff. June 27, 1978; 1988, March 25, P.L. 262, No. 31, § 10, effective in 60 days; 2000, March 17, P.L. 11, No. 4, § 1, effective in 60 days; 2002, Dec. 3, P.L. 1144, No. 141, § 1, effective in 60 days; 2004, Nov. 30, P.L. 1618, No. 207, § 4, effective Jan. 31, 2005.

OFFICIAL COMMENT--1972

2000 Main Volume

This section retains existing law as contained in Section 675.1 of The Penal Code of 1939 [18 P.S. § 4675.1 (Supp.)] without substantial change.

Penalty: Increased from 30 to 90 days.

OFFICIAL COMMENT--1978

2000 Main Volume

Source: Supplied by 42 Pa.C.S. § 3573, as added by this act [Act 1978, April 28, P.L. 202, No. 53].

HISTORICAL AND STATUTORY NOTES

2000 Main Volume

Act 2000-4, in subsec. (a), added the second sentence.

2008 Electronic Update

Act 2002-141 legislation

Act 2002-141, § 1, added subsec. (e).

Section 2 of 2002, Dec. 3, P.L. 1144, No. 141, effective in 60 days, amended 2007, Dec. 18, P.L. 483, No. 75, § 1,

imd. effective, provides that "[t]he provisions of 18 Pa.C.S. §§ 6308(e) and 6310(c) shall expire December 31, 2017, unless sooner reauthorized by the General Assembly."

Act 2004-207 legislation

Act 2004-207, § 4, amended the section to reflect the redesignation of district justices as magisterial district judges.

2000 Main Volume

Prior Laws:

1965, Nov. 10, P.L. 707, § 1.

1963, Aug. 14, P.L. 1098, § 1.

1939, June 24, P.L. 872, § 675.1 (18 P.S. § 4675.1).

18 Pa.C.S.A. § 6308, PA ST 18 Pa.C.S.A. § 6308

Current through Act 2009-21

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