

Consequences for Minors Possessing or Consuming Alcohol

It is a crime for someone under 21 years of age to possess or consume any alcoholic beverage. For this reason, there are special rules for minors who are operating motor vehicles after consuming an alcoholic beverage. The legal limit for a person who is under 21 years of age, operating a motor vehicle, is .02. It only takes approximately one 12 oz. beer, or one cocktail, or one 6 oz. glass of wine to reach this level.

If someone is a minor (under 21) and they are stopped while operating a motor vehicle they will be facing the following driver's license and criminal consequences:

1. For a BAC between .02 and .079, a driver who is less than 21 years of age, will receive a form DC-28, from the officer making the stop.
2. Unless a driver's license hearing is requested, within 14 days of the stop, or if a driver's license hearing is requested, and the underage driver loses that hearing, the minor driver will face the following action on their driving privileges, if the test result for either his blood or breath alcohol concentration is somewhere .02 and .079:

DRIVER'S LICENSE CONSEQUENCES

If a person, under 21 years of age, is caught driving a motor vehicle with a breath or blood alcohol concentration which is somewhere between a .02 and .079, the minor driver of the vehicle faces the following ramifications to their driving privileges.

1. On a first occurrence:
 - A. Driver's license is suspended for 30 days, followed by 330 days of restrictions as follows:
 - B. "such person's driving privileges to be restricted for 330 days to driving only a motor vehicle equipped with an ignition interlock device and only for the purposes of getting to and from: Work, school or an alcohol treatment program; and the ignition interlock provider for maintenance and downloading of data from the device. K.S.A. § 8-1015.
2. On a second or subsequent occurrence:
 - A. driving privileges will be suspended for one year.

This happens when the arresting officer fills out a form DC-28 and sends it to the Kansas Department of Revenue, Division of Motor Vehicles, Driver Control Bureau, and serves a copy on the minor who was operating the motor vehicle. **YOU ONLY HAVE 14 DAYS** to request a **DRIVER'S LICENSE HEARING. FAILURE TO DO SO WILL AUTOMATICALLY RESULT IN THE ABOVE SUSPENSIONS.**

CRIMINAL CONSEQUENCES

Even though you will not be charged with “Driving While Under the Influence of Alcohol or Drugs,” pursuant to K.S.A. 8-1567, because your blood or breath alcohol concentration was .20 to .079m the officer can still charge you with the crime of violating K.S.A. § 41-727. This statute makes it a crime for anyone under 21 years of age to possess **or consume** any alcoholic beverage. If convicted of the charge of consuming or possessing alcohol, a minor faces the following penalties:

1. Violation of this section by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor for which the minimum fine is \$200. K.S.A. § 41-727

Possible Jail time: up to 30 days

Possible fine: Minimum of \$200.00 to
a Maximum of \$500.00

2. Any person who is less than 18 years of age who violates this section, is a juvenile offender under the revised Kansas juvenile justice code. Upon adjudication thereof and as a condition of disposition, the court shall require the offender to pay a fine of not less than \$200 nor more than \$500. K.S.A. § 41-727

3. In addition to any other penalty provided for a violation of this section: (1) The court may order the offender to do either or both of the following:

A. Perform 40 hours of public service; or

B. Attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans. K.S.A. § 41-727

ADDITIONAL CONSEQUENCES TO YOUR DRIVER’S LICENSE IF CONVICTED

1. ***YOU DO NOT HAVE TO BE DRIVING A MOTOR VEHICLE FOR THIS ACTION TO BE TAKEN ON YOUR DRIVING PRIVILEGES.*** There is also an additional driver’s license suspension requirement, if you get convicted of this charge, whether you were driving a vehicle or not. The Clerk of the District Court is required to notify the Kansas Department of Revenue, Division of Motor Vehicles, Driver Control Bureau, and upon receipt of the notice of conviction, the Department will:

A. Upon a first conviction of a violation of this section, K.S.A. § 41-727, the court shall order the division of vehicles to suspend the driving privilege of such offender for 30 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 30 days whether or

not that person has a driver's license.

- B. Upon a second conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 90 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 90 days whether or not that person has a driver's license. K.S.A. § 41-727
- C. Upon a third or subsequent conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for one year. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for one year whether or not that person has a driver's license. K.S.A. § 41-727