

House Bill 716

By: Representatives Martin of the 37th, Burkhalter of the 36th, Jones of the 38th, Wilkinson of the 41st and Campbell of the 39th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 3-3-23 of the Official Code of Georgia Annotated, relating to
2 furnishing to, purchase of, or possession by persons under 21 years of age of alcoholic
3 beverages, so as to provide for a rebuttable presumption that a person selling or otherwise
4 furnishing an alcoholic beverage to a person under age 21 without seeing proper
5 identification to verify the age of such person acted knowingly; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 3-3-23 of the Official Code of Georgia Annotated, relating to furnishing to,
10 purchase of, or possession by persons under 21 years of age of alcoholic beverages, is
11 amended by striking subsection (h) and inserting in lieu thereof the following:

12 "(h) In any case where a reasonable or prudent person could reasonably be in doubt as to
13 whether or not the person to whom an alcoholic beverage is to be sold or otherwise
14 furnished is actually 21 years of age or older, it shall be the duty of the person selling or
15 otherwise furnishing such alcoholic beverage to request to see and to be furnished with
16 proper identification as provided for in subsection (d) of this Code section in order to verify
17 the age of such person; ~~and the failure to make such request and verification in any case~~
18 ~~where the person to whom the alcoholic beverage is sold or otherwise furnished is less than~~
19 ~~21 years of age may be considered by the trier of fact in determining whether the person~~
20 ~~selling or otherwise furnishing such alcoholic beverage did so knowingly. A person who~~
21 ~~sells or otherwise furnishes an alcoholic beverage to a person under age 21 without seeing~~
22 ~~proper identification to verify the age of such person shall be rebuttably presumed to have~~
23 ~~sold or otherwise furnished an alcoholic beverage to a person under age 21 knowingly.~~"

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.