

KANSAS DRINKING LAWS

LEGAL AGE

No person under 21 years of age shall possess, consume, obtain, purchase, or attempt to obtain or purchase alcoholic liquor (alcohol, spirits, wine, beer and every other liquid or solid containing more than 3.2% alcohol by weight) or cereal malt beverage (any fermented or undistilled liquor made from malt, but does not include any such liquor which is more than 3.2% by weight) except as authorized by law.

D.U.I. LAWS

No person shall operate or attempt to operate any vehicle when the alcohol concentration in the person's blood or breath is .08% or higher. It is also against the law to operate or attempt to operate any vehicle while under the influence of any drug, any combination of drugs, or any combination of alcohol and drugs to the degree it renders the person incapable of safely driving a vehicle. A law enforcement officer may request a person who is operating a vehicle to take a preliminary breath test. Refusal to take and complete the test is a traffic infraction, usually resulting in a fine. Refusal to take the breath, blood, or urine test offered at the police station will result in suspension of driving privileges for one year on first offense. If a person takes the test and fails it with a blood alcohol concentration of .08% to .14%, driving privileges are lost for 30 days and restricted for the following 330 days on a first offense. **If the blood alcohol concentration is .15% or above, driving privileges are lost for one year and restricted for an additional year with the use of an ignition in terlock device.** A repeated offense results in a one-year suspension of driving privileges followed by a two-year restriction with an ignition interlock device.

PENALTIES FOR D.U.I. CONVICTIONS

1st Conviction (Class B, nonperson misdemeanor)

- A. 48 hours to 6 months jail time and/or 100 hours of community service
- B. **\$500 to \$1,000** in fines
- C. Successful completion of alcohol and drug information school and/or treatment
- D. Action taken against driving privileges as outlined above

2nd Conviction (Class A, nonperson misdemeanor)

- A. 90 days to one year jail time (must serve 5 days)
- B. **\$1,000 to \$1,500** in fines
- C. If the sentence is less than 90 days, offender must complete an alcohol/drug treatment program
- D. Action taken against driving privileges as outline above

3rd Conviction (Non-grid, nonperson felony)

- A. 90 days to 1 year jail time
- B. Must serve 90 days; work release can be utilized after 48 hours
- C. **\$1,500 to \$2,500** in fines
- D. Enter into and complete alcohol/drug treatment (at court's discretion)
- E. Action taken against driving privileges as outlined above

If a DUI is committed while a child under 14 years of age is in the car, the sentence is increased by one month. Also, the Court may order the offender's motor vehicle or vehicles to be impounded or immobilized for a maximum period of one year. The convicted person is accountable to pay all towing, impoundment, and storage fees or other immobilization costs.

Other costs of a DUI conviction can include: *DUI permanently listed on driving record, payment of court costs, lawyer's fees, purchase of video used by police agency, payment of treatment program costs, leasing of the ignition interlock, payment of transportation costs to and from a treatment facility, and to and from an Alcohol and Drug Safety Action Education program, and being placed under house arrest. Car insurance premiums may increase or insurance may be canceled. However, car insurance premiums cannot be increased based upon a first DUI which was diverted.*

DIVERSION COSTS

Every prosecutor determines which, if any, crimes s/he will allow to be diverted. Typically in Kansas, a first time DUI offense is eligible for diversion. If a person is convicted of a second DUI in his or her lifetime, the DUI which was diverted will be recognized by the court as a first offense for purposes of sentencing.

City of Hays Municipal Court: All alcohol related diversions cost **\$250**

Ellis County District Court: Misdemeanors: **\$75** Felonies: **\$100**

TRANSPORTING AN OPEN CONTAINER

Transporting an open container of alcohol is an unclassified misdemeanor. A first offense can result in a maximum fine of \$200 and/or a jail sentence of 6 months. A second conviction will result in either a suspension of driving privileges for one year, or a Judge can restrict driving privileges for one year.

UNDERAGE DRINKING (Zero Tolerance Law)

It is unlawful for any person less than 21 years of age to operate or attempt to operate a vehicle in Kansas with a breath or blood alcohol concentration of 0.02% or greater. If an alcohol concentration of 0.02% or greater, but less than 0.08% is submitted, the person's driving privileges will be suspended for 30 days and restricted for 330 days on the first occurrence. On a second or subsequent occurrence, the person's driving privileges will be suspended for one year. If the blood alcohol concentration is 0.08% or higher, driving privileges are suspended for one year.

PENALTIES FOR VIOLATION (Minor In Possession - MIP)

Violation of the laws concerning possession, consumption, obtainment, purchase or attempting to obtain or purchase alcoholic liquor or cereal malt beverage by a person 18 years or more of age, but less than 21 years of age will result in a minimum fine of \$200 and suspension of driving privileges of the offender for 30 days. In addition, the court may order the offender to perform 40 hours of public service and/or attend and satisfactorily complete an alcohol educational or training program. If the offender is *under 18*, the offense is prosecuted under the Juvenile Offender's Code with a fine of \$200 to \$500. A law enforcement officer may request a person less than 21 years of age to submit to a preliminary breath test to determine the presence of alcohol.

PROVIDING BEER OR OTHER ALCOHOLIC LIQUORS TO MINORS

Furnishing alcoholic liquor or cereal malt beverage by directly or indirectly selling to, buying for, giving or furnishing the alcohol to a minor is a class B, nonperson misdemeanor. The minimum fine is \$250. Maximum punishment could result in a \$1000 fine and/or up to six months in jail.

Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is a class A misdemeanor, punishable by a minimum fine is \$1,000 and/or up to one year in the county jail.

FALSE IDENTIFICATION (Driver's license or any other identification card)

It is unlawful for any person, for any purpose, to display or have in their possession any fictitious or fraudulently altered driver's license. This is a class B nonperson misdemeanor, carrying a *maximum* fine of \$1,000 and a maximum 6-month jail sentence. A person cannot photograph, Photostat, duplicate or in any other way reproduce any driver's license or facsimile thereof in such a way that it could be mistaken for a valid driver's license. A person cannot display or possess a false identification of the same nature. This is a class A misdemeanor, carrying a maximum fine of \$2,500 and a jail sentence of one year.

It is also unlawful to lend any driver's license, nondriver's identification card, or any other form of identification to any person under the age of 21 for use in the purchase or obtainment of alcoholic liquor or cereal malt beverage. Violation of this law is a class B nonperson misdemeanor, with a sentence of 100 hours of public service and a fine of \$200-\$500.

Reproduction, manufacturing, selling or offering for sale any false identification document is a severity level 10, nonperson felony. Using a false or factitious name in any application for a driver's license or any such application is a severity level 9, nonperson felony.

HAYS RESOURCES

FHSU Kelly Center (DAWN)	600 Park Street	www.fhsu.edu/kellycenter/	628-4401
Smoky Hill Foundation for Chemical Dependency	209 East 7 th Street		625-5521
Dream Inc.	2818 Vine Street		628-6655
High Plains Mental Health Center	208 East 7 th Street		628-2871
Oak Street AA/Al-Anon/Narcotics Anonymous	410 South Oak Street		625-9860
Downtown AA	327 East 8 th Street		628-3023

This pamphlet is intended to serve as an educational tool. Exact penalties or adjudication may vary, depending on the circumstances of each individual case, court location, and other mitigating circumstances.