

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 638 Session of 2017

INTRODUCED BY WHITE, VULAKOVICH, SCHWANK, RAFFERTY AND BOSCOLA,  
APRIL 18, 2017

REFERRED TO LAW AND JUSTICE, APRIL 18, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in minors, further providing for the  
3 offense of carrying a false identification card.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 6310.3 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subsection to read:  
8 § 6310.3. Carrying a false identification card.

9 \* \* \*

10 (f) Confiscation.--

11 (1) An employee, servant or agent of a person authorized  
12 to sell liquor or malt or brewed beverages under the act of  
13 April 12, 1951 (P.L.90, No.21), known as the Liquor Code, may  
14 confiscate an identification card that has been presented for  
15 the purposes of obtaining liquor or malt or brewed beverages  
16 when there is a reasonable suspicion that an individual has  
17 presented an identification card as described in subsection  
18 (a). An employee, servant or agent may confiscate an

1 identification card upon reasonable suspicion that the age or  
2 date of birth is false only after placing the identification  
3 card through a transaction scan device.

4 (2) The following applies to identification cards  
5 confiscated under this subsection:

6 (i) When the confiscation involves either a driver's  
7 license or identification card issued by the Department  
8 of Transportation, the person confiscating it shall issue  
9 a completed receipt to the individual from whom the  
10 identification card is seized. The receipt shall be on a  
11 form prescribed by the Pennsylvania Liquor Control Board.

12 (ii) Within 48 hours after the confiscation, the  
13 driver's license or identification card shall be  
14 submitted to the law enforcement agency having primary  
15 jurisdiction in which the licensee's place of business is  
16 located to make a determination of the validity of the  
17 identification card presented. The law enforcement agency  
18 shall attempt to return a confiscated identification card  
19 that is determined to be valid unless it is otherwise  
20 needed for a criminal or administrative investigation. If  
21 determined to be invalid, altered or forged, the law  
22 enforcement agency may process or destroy the  
23 identification card in accordance with its established  
24 procedures.

25 (iii) When the confiscation involves any other  
26 identification card, the employee, servant or agent shall  
27 retain the identification card for a minimum of 48 hours  
28 after the confiscation to allow the individual from whom  
29 it was confiscated an opportunity to show proof that the  
30 identification card is legitimate, upon which the

1 identification card shall be returned to the individual  
2 by the employee, servant or agent. If the identification  
3 card is not claimed and returned in accordance with this  
4 subsection, the employee, servant or agent shall destroy  
5 the identification card upon the expiration of the 48-  
6 hour period and no later than five business days after  
7 the confiscation occurred.

8 (3) As used in this subsection, the following terms  
9 shall have the meanings given to them in this paragraph:

10 "Identification card." An identification card as  
11 provided in section 495(a) of the Liquor Code.

12 "Transaction scan device." A device capable of  
13 deciphering in an electronically readable format the  
14 information encoded on the magnetic strip or bar code of an  
15 identification card.

16 Section 2. This act shall take effect in 60 days.