

Prosecuting Liquor Violations



City Code



State
Statute

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Nebraska State Statutes

Driving

IDs

Procuring

§ 53-180.02
Minor in
Possession

Traffic Related Offenses

- DUI, § 60-6,196;
- "Minor" DUI, § 60-6,211.01 (.02);
- Refusal of PBT, § 60-6,197.04;
- Open Container:
§ 60-6,211.08/53-186

Fake ID/Age

- False/Fictitious ID: § 60-491;
- Minor Misrepresenting Age: § 53-180.01

§ 53-180

Procuring Alcohol to Minor

- No person shall sell, furnish, give away, exchange, deliver, or permit the sale, gift, or procuring of alcohol to any minor or mentally incompetent person.
- 3A Felony:
Knowingly & Intentionally violate § 53-180 and results in serious bodily injury and death to any person that was proximately caused by minor's:
 - (a) Consumption of alcohol provided; or,
 - (b) Impaired condition which, in whole or in part, can be attributed to alcohol provided

§ 53-180.02

- No minor may sell, dispense, **consume** or have in their **possession** or physical control any alcoholic liquor;
- **EXCEPT:** May consume/possess/have control for religious basis or in permanent residence
- **EXCEPT:** Overdose exception (§ 53-180.05(4)(b)) :
 - Good-faith request;
 - Request made as soon as emergency apparent;
 - Remained on scene/cooperated with LE

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Kearney City Code

§8-1701
Disorderly
Conduct

§8-1706
Inmate of
Disorderly
House

§3-1313.2
Alcoholic
Beverages
Prohibited

§ 8-1701

- Public Place = Any place general public has access and right to resort for business, entertainment, or other lawful purposes.
- Unlawful if, with purpose of causing/if likely to cause public danger, alarm, disorder or nuisance he/she willfully (1-13):
 - Fight/brawl; Obstructing flow of vehicles or pedestrians; Obstructs law enforcement; Abusive language or threats to PD or other city official when words have tendency to cause acts of violence; damages or disturbs property; loud noises; Fails to obey lawful order; Abusive or obscene language or gesture; Urination/Defecation in public.

§ 8-1706

- Unlawful for any person to be an "inmate" of, visit or frequent any disorderly house with knowledge of, and participating in the illegal activities occurring therein.
- "Disorderly House" = Any room, house, building, structure or premises where unlawful or illegal acts are being committed
- Also unlawful for owner/lessee/proprietor to allow persons to engage in unlawful activity. (§ 8-1705)

§ 3-1313.2

A. Unlawful to possess/consume open container of alcohol in or on:

- Public Streets;
- Public Sidewalks;
- Alleys;
- Parking Areas;
- Roads; or,
- Highways

B. Unlawful to consume alcohol inside vehicle while upon public streets, alleys, parking areas, roads or highways.