

3. False Identification (“False ID”) (data current as of 1/1/12)

Policy Description

Alcohol retailers are responsible for ensuring that sales of alcoholic beverages are made only to persons who are legally permitted to purchase alcohol. Inspecting government-issued identification (driver’s license, non–driver identification card, passport, and military identification) is one major mechanism for ensuring that buyers meet minimum age requirements. In attempting to circumvent these safeguards, minors may obtain and use apparently valid ID that falsely states their age as 21 or over. Age may be falsified by altering the birthdate on a valid ID, obtaining an invalid ID card that appears to be valid, or using someone else’s ID.

Compliance check studies suggest that underage drinkers may have little need to use false ID because retailers often make sales without any ID inspection. However, concerns about false ID remain high among educators, law enforcement officials, retailers, and government officials. Current technology, including high-quality color copiers and printers, has made false ID easier to fabricate, and the internet provides ready access to a large number of false ID vendors.

All states prohibit use of false identification by minors to obtain alcohol. In addition to the basic prohibitions, states have adopted a variety of legal provisions pertaining to false ID for obtaining alcohol. These provisions can be divided into three basic categories:

- Provisions that target minors who possess and use false identification to obtain alcohol
- Provisions that target those who supply minors with false identification, either through lending of a valid ID or the production of invalid (“fake”) IDs
- Provisions that assist retailers in avoiding sales to potential buyers who present false IDs

Government-issued IDs are used for a number of age-related purposes other than the purchase of alcohol: registering to vote, enlisting in the military, entering certain entertainment venues, and so on. APIS confines its analysis to statutes and regulations relating to the use of false identification for the purpose of obtaining alcohol.

For further discussion of policies pertaining to the purchase of alcohol by minors, see the “Underage Purchase and Attempted Purchase” section of this report; of policies that mandate training of servers to detect false identification, the “Responsible Beverage Service” section of this report; and of license suspension or revocation, the “Loss of Driving Privileges for Alcohol Violations by Minors” section of this report.

Status of False ID Policies

Provisions That Target Minors

As of January 1, 2012, all states and the District of Columbia prohibit minors from using false IDs to obtain alcohol (see Exhibit 4.3.9). All but eight states (Delaware, Kansas, Nebraska, Nevada, New Mexico, North Dakota, Vermont, and Wyoming) authorize suspension of minors’ driver’s licenses for using a false ID in the purchase of alcohol. In all but four states (Alaska, Illinois, Ohio, and West Virginia) the suspension is through judicial proceedings. Two states (Arizona and Iowa) allow for both judicial and administrative proceedings for license sanctions.

Provisions That Target Suppliers

As of January 1, 2012, 25 states have laws that target suppliers of false IDs; 24 prohibit lending, transferring, or selling false IDs to minors for the purpose of purchasing alcohol; and 13 prohibit manufacturing such licenses.

Retailer Support Provisions

Retailer support provisions vary widely across the states. In prosecution involving an illegal underage alcohol sale, 44 states and the District of Columbia provide for some type of affirmative defense (the retailer shows that he/she reached a good faith or reasonable conclusion that the false ID was valid); 43 states have laws requiring distinctive licenses for persons under age 21; 11 states permit retailers to seize apparently false IDs; 11 states provide incentives for the use of scanners; 4 states (Arkansas, Colorado, South Dakota, and Utah) allow retailers to detain minors; and 4 states (Alaska, Oregon, New Hampshire, and Utah) permit retailers to sue minors for damages.

Trends in False ID State Policies

State false ID policies that target minors and suppliers have been relatively stable for the last 11 years. During this period, Hawaii, Maine, Mississippi, and South Dakota implemented judicial license revocation, and Missouri enacted a law making it illegal to lend, transfer, or sell false IDs to minors.

Exhibit 4.3.10: Number of States with Scanner Provisions in False ID Laws, January 1, 1998, through January 1, 2012

