

CHAPTER 141

INTOXICATING LIQUORS

BONE-DRY PROHIBITION

(Initiated by Petition under the Initiative and Referendum)

AN ACT

ENTITLED, AN ACT RELATING TO INTOXICATING LIQUORS, AND AMENDING AN ACT ENTITLED, "AN ACT RELATING TO INTOXICATING LIQUORS," APPROVED MARCH 3, 1915, AND BEING CHAPTER 98 OF THE SESSION LAWS OF COLORADO, 1915, AND REPEALING SECTIONS ONE (1), TWO (2), FOUR (4) AND FIVE (5) OF AN ACT ENTITLED "AN ACT RELATING TO INTOXICATING LIQUORS, AND AMENDING AN ACT RELATING TO INTOXICATING LIQUORS, APPROVED MARCH 3, 1915," AND BEING CHAPTER 82 OF THE SESSION LAWS OF COLORADO, 1917, APPROVED APRIL 23, 1917, AND ALL OTHER ACTS OR PARTS OF ACTS IN CONFLICT THEREWITH.

Be It Enacted by the People of the State of Colorado:

Section 1. That Section one (1) of Chapter 98 of the Session Laws of Colorado, 1915, be and the same is hereby amended to read as follows:

Section 1. PROHIBITION.—No person, association or corporation shall, within this state, manufacture for sale or gift any intoxicating liquors; and no person, association or corporation shall import into this state any intoxicating liquors for sale or gift; and no person, association or corporation shall, within this state, sell or keep for sale any intoxicating liquors or offer any intoxicating liquors for sale, barter or trade; and no person, association or corporation

Section amended

Manufacture,
importation and
sale of liquor
prohibited

shall keep or have in his or its possession, for personal use or otherwise, any intoxicating liquors or permit another to have or keep or use intoxicating liquors on any premises owned or controlled by him, or give away or furnish any intoxicating liquors to another; *provided, however*, that intoxicating liquors may be imported into this state and handled for medicinal and sacramental purposes only, in the manner prescribed in this act and no other.

Medicinal and sacramental purposes

Carriage of liquor unlawful

Section 2. COMMON CARRIERS.—It shall be unlawful for any common, public, private or other carrier, or for any person, association or corporation, to carry any intoxicating liquors into this state or from one point to another within this state, except for medicinal or sacramental purposes, as in this act provided. Any common, public, private or other carrier, or any person, association or corporation which shall carry intoxicating liquors into this state, or from one point to another within this state, for medicinal or sacramental purposes, shall within three days after the first day of each month file with the County Clerk and Recorder of the county in which such intoxicating liquors are delivered, and with the Secretary of State, a statement in writing covering the preceding calendar month, setting forth the dates on which each delivery of intoxicating liquors was made, the kind and quantity of such intoxicating liquor, together with the invoice price thereof, the name and postoffice address of each consignor and each consignee, the place of delivery and to whom delivered, together with a fee of twenty-five cents for each shipment so delivered. Said fee shall be paid to the County Clerk and Recorder, who shall remit one-half thereof to the Secretary of State within thirty days after payment. The County Clerk and Recorder and Secretary of State shall keep such statements on file as public records. Such statements or certified copies thereof, shall be admissible as evidence in any court of this state having jurisdiction of violations of this act.

Carriers to file statement of liquor deliveries

Fee for shipment

Method of delivery

Section 3. HOW CARRIERS SHALL DELIVER.—It shall be unlawful for any common, public, private or

other carrier, or any person, association or corporation, delivering intoxicating liquors for medicinal or sacramental purposes, to deliver same to a minor, fictitious name or person, or to any person other than the consignee, and the same shall not be delivered to such consignee without first having said consignee pay twenty-five cents and execute an affidavit, subscribed in ink, and in substantially the following form:

State of Colorado,
.....County.

AFFIDAVIT.

Affidavit—
form of

I, the undersigned, solemnly swear that my true name is
.....that I reside at

(Give street and number. Give town, city or postoffice)
Colorado; that I am more than twenty-one years of age; that I am the consignee of a shipment of intoxicating liquors from (name of consignor).....

.....located at
(Give street and number. Give town, city or postoffice)

Stateas follows:
(Insert quantity and kind of intoxicating liquors, also the invoice price)

and that said intoxicating liquors so consigned to me are for

.....
(Indicate whether for medicinal or sacramental purposes.)
and that I am duly authorized to receive the same by virtue of Permit No. issued to me by the Secretary of State under date of.....

.....
Consignee.

Subscribed and sworn to before me this.....
day of A. D. 19.....

(Seal)

Oath—by whom administered

Affidavit in duplicate

Duty of officer

Officer retain custody of property

Conviction bar to recovery of property

Direct destruction of liquor
Property sold

Proceeds, how disposed of

Officer file complaint

This oath to the affidavit shall be administered by some officer authorized by law to administer oaths or affirmations; and falsely taking the said oath shall be deemed a violation of this act. Such affidavit shall be made in duplicate and one copy thereof shall be kept by such delivering agency for a period of two years and open to public inspection, and one copy thereof shall be delivered or mailed to the County Clerk and Recorder of the county in which such delivery was made within twenty-four (24) hours after delivery, postage prepaid, and the same shall be filed and kept by the County Clerk and Recorder as a public record.

Section 4. DUTY OF OFFICER.—If any intoxicating liquors are there found, said officer shall seize the same and the vessels in which they are contained and all implements and furniture used or kept in connection with such liquors in the illegal selling, bartering, exchanging, giving away or carrying of same, and any wagon, automobile, vehicle, contrivance, thing or device used in conveying same, and them safely keep and make immediate return on such warrant. Such property shall not be taken from the custody of any officer seizing or holding the same, by writ of replevin or other process, while the proceedings relating thereto are pending. Final judgment of conviction in such proceedings shall be a bar to any and all suits for the recovery of any such property so seized, or the value of the same, or for damages alleged to arise by reason of such seizure and detention. The judgment entered shall find said liquor to be unlawful and shall direct its destruction forthwith. The said wagon, automobile, vehicle, contrivance, thing or device, vessels, implements and furniture shall likewise be ordered disposed of as personal property is sold under execution and the proceeds therefrom applied, first in the payment of the costs of the prosecution and of any fine imposed, and the balance, if any, paid into the general school fund of the county in which such conviction is had. The officer serving the warrant shall forthwith file a complaint in the court issuing same, charging such violation of law as the evidence

in the case justifies. If such officer refuses or neglects to file such complaint, then the person filing the affidavit for the search warrant, or any other person, may file such complaint.

Any person may file complaint

If fluids are poured out, or otherwise destroyed, manifestly for the purpose of preventing their seizure, said fluids shall be held to be prima facie intoxicating liquors and intended for unlawful use, sale, barter, exchange or gift.

Destroying fluids evidence of unlawful use

If no person is in possession of the premises where such liquors are found, the officer seizing such liquors shall post in a conspicuous place on said premises a copy of his warrant, and if at the time fixed for said hearing, or within thirty days thereafter, no person appears, said justice of the peace, or court shall order such liquors destroyed.

Disposition of liquor when offender not located

No warrant issued pursuant to this act shall authorize the search of any place where a person may lawfully keep intoxicating liquor as provided in this act.

Where search is unauthorized

No warrant shall be issued to search a home occupied as such, as in Section 11 provided, unless it or some part of it, is used in connection with or as a store, shop, hotel, boarding house, rooming house, or place of public resort.

Home not subject to search

The person making affidavit for the warrant to search may personally accompany the officer who serves the warrant, and enter the place with such officer, and give information and assistance to such officer in searching the premises.

Affiant may accompany officer

Section 5. That Section thirteen (13) of Chapter 98 of the Session Laws of Colorado, 1915, be and the same is hereby amended to read as follows:

Section amended

Section 13. OFFICERS' SEARCH.—Any sheriff, deputy sheriff, constable, or any municipal officer designated by ordinance, or any other officer or person authorized by this act, having personal knowledge or reasonable information that intoxicating liquors are being kept in violation of law in any place (except a home as in Section 4 provided), shall search such suspected place without a war-

Officers may search without warrant

Seize liquor,
containers and
property

rant, and without any affidavit being filed, and if such officer or person finds upon the premises intoxicating liquors, he shall seize the same together with the vessels in which they are contained and all implements and furniture used in connection with such liquors in the illegal keeping, selling, bartering, exchanging, giving away or carrying the same, and any wagon, automobile, vehicle, contrivance, thing or device used in conveying said liquors or kept for the purpose of violating any of the provisions of this act, and arrest any person or persons in charge of such place, or aiding in any manner in carrying on the business conducted in such place, and shall take such person, or persons, with the liquors, vessels, implements and furniture, wagon, automobile, vehicle, contrivance, thing or device, so seized, forthwith, or as soon as convenient, before a Justice of the Peace or judge of any court in the county in which such seizure is made having jurisdiction as herein provided to try cases for a violation of this act and such officer shall without delay make and file a complaint for such violation of law as the evidence justifies. It shall be lawful for officers in executing the duties imposed upon them by this section to break open doors or enclosures for the purpose of obtaining possession of such intoxicating liquors.

Officer file
complaint in
court

Lawful to force
doors or enclos-
ures

Section amended

Section 6. That Section sixteen (16) of Chapter 98 of the Session Laws of Colorado, 1915, be and the same is hereby amended to read as follows:

Wholesale
druggist only
may import

Section 16. PURCHASES ONLY ON REQUISITIONS.—It shall be unlawful for anyone to import intoxicating liquors into this state for medicinal purposes, except persons, associations or corporations engaged in the drug business at wholesale, exclusively, in the manner in Section 15 of this act provided; and all purchases of intoxicating liquors by duly licensed and registered pharmacists actually engaged in business as such shall be made only from such

persons, associations or corporations engaged in the drug business at wholesale within this state as herein provided.

All purchases of intoxicating liquors by wholesale dealers, pharmacists and all persons, associations and corporations mentioned in Section 15 of this act, shall be on requisition blanks supplied to them by the Secretary of State at actual cost. Such requisitions shall be in triplicate, one copy to be kept by the purchaser at his place of business for two years and open to public inspection, one to be kept by the seller, if located in this state, at his place of business for two years and open to public inspection, and the third shall be filed by the purchaser with the Secretary of State within ten days after his receipt of such liquors so purchased.

Secretary of State supply blanks

Requisitions in triplicate

Section 7. That Section twenty (20) of Chapter 98 of the Session Laws of Colorado, 1915, be and the same is hereby amended to read as follows:

Section amended

Section 20. **NO PROPERTY RIGHTS.**—There shall be no property rights of any kind whatsoever in any liquors, vessels, appliances, fixtures, bars, furniture, implements, wagons, automobiles, vehicles, contrivances, or any other things or devices used in or kept for the purpose of violating any of the provisions of this act.

No property rights

Section 8. **EVIDENCE.**—In all prosecutions under this act the possession of intoxicating liquor by any person, association or corporation, except as in this act provided, shall be deemed a violation of this act.

Evidence

The possession of an internal revenue stamp or tax receipt issued by the United States Government, permitting or relating to the sale of intoxicating liquors, by any person, association or corporation not authorized under this act to handle intoxicating liquor, or a certificate from the collector of internal revenue, or any of his agents, clerks or deputies, showing the payment of such internal revenue tax by any such person, association or corporation aforesaid, shall be prima facie evidence of a violation of this act.

Revenue stamps, etc., prima facie evidence of violation

Repealing clause

Section 9. REPEAL.—Sections One (1), Two (2). Four (4) and Five (5) of An Act Entitled, “An Act Relating to Intoxicating Liquors and Amending An Act Relating to Intoxicating Liquors, Approved March 3, 1915,” and being Sections of Chapter 82 of the Session Laws of Colorado, 1917, and all other acts or parts of acts in conflict with this act are hereby repealed.

Submitted to People at General Election held November 5, 1918. Approved by 113,636 votes “Yes” to 64,740 votes “No.”