

Legally Speaking...

Getting Real on Fake IDs

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In July 2006, police arrested a 22-year-old Drake University student who was running a high-tech fake ID making operation out of his apartment. The student was charged with six felony counts, and individuals who had purchased fake drivers' licenses from the student were also subjected to criminal charges.

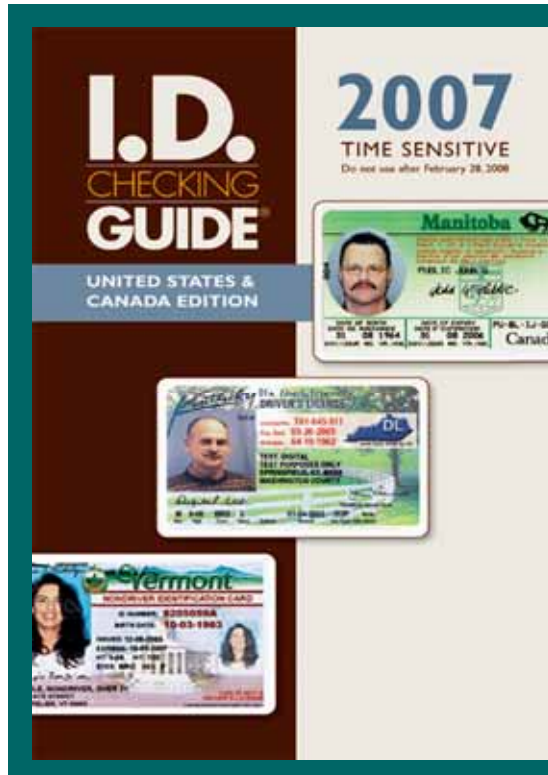
The recent incident is just one example of the age-old battle pitting licensed retailers and police against underage drinkers. As the battle against fake IDs wages on, the quality of the fake IDs is becoming more sophisticated with improved technology.

I. Counterfeit IDs

Gone are the days of splitting the lamination on an existing driver's license and changing the date of birth or inserting a new picture. Through the use of Internet resources and sophisticated computer graphics software, underage drinkers are forging driver's licenses of startlingly good quality. The computer savvy minors have the ability to mimic shimmering holograms and other security features using special inks and data encoding that can fool even police authorities.

Counterfeit IDs are constructed or obtained in numerous ways. Minors may obtain a valid ID from an older person with a similar appearance. Subtle alterations can be applied to a valid ID that, without close scrutiny, will not be noticed. In some cases, fake IDs are fabricated entirely using sophisticated technology and illegal printing equipment. In any case, the act of obtaining and using a fake ID is illegal. Occasionally, as was the case with the Drake University student, a counterfeit business is exposed and forced to pay a significant price.

There is no question that, by using fake IDs, underage drinkers are breaking the law. The penalties for an underage person using a



If a liquor control licensee or wine or beer permittee or an employee of the licensee or permittee has a reasonable belief based on factual evidence that a driver's license, or nonoperator identification card offered by a person who wishes to purchase an alcoholic beverage at the licensed premises is altered or falsified or belongs to another person, the licensee, permittee, or employee may retain the driver's license or nonoperator identification card.

Iowa Code § 123.48(1)

driver's license or nonoperator's ID card to obtain alcoholic beverages is a simple misdemeanor with a fine, surcharge and court costs totaling \$182.00. A second or subsequent violation increases the penalty to \$314.00 and suspension of the person's driver's license for a period up to one year. Community service work may also be imposed.

II. Confiscating Fake IDs

Iowa law allows a retailer to confiscate drivers' licenses and nonoperators' ID cards if they suspect that the license or ID card is fake, altered or belonging to another person. When a fake ID is suspected, a retailer should ask for a second ID, compare the photograph with the person's face and compare the signatures on both IDs. Having an up-to-date "ID Checking Guide" is also helpful in verifying the security features of out-of-state IDs. And while ID checking machines may be convenient, having staff properly trained to evaluate IDs is a more effective method of preventing the use of counterfeit IDs.

Retailers are not subject to criminal prosecution or civil liability for damages alleged to

have occurred from the confiscation of the ID if the retailers take the following steps without using unnecessary force:

- ◆ Provide a receipt with the date and hour of confiscation to the person from whom the ID was confiscated.
- ◆ Turn the ID over to local police within 24 hours of the confiscation.
- ◆ File a written report of the circumstances under which the ID was confiscated.

Local police may investigate the ID or turn it over to the Department of Transportation for further investigation. Criminal charges may be filed when it is determined that a violation has occurred. If no violation is found, the ID will be returned to its original owner.

Confiscating fake IDs is good for business. The practice helps prevent underage drinking and facilitates a positive relationship between police and retailers. Confiscation also sends a strong message to would-be underage drinkers that the establishment will not aid, abet or tolerate minors in their quest to imbibe.

And now you know the *real* story on *fake* IDs. ■