



## Senate

General Assembly

**File No. 405**

February Session, 2002

Substitute Senate Bill No. 570

*Senate, April 9, 2002*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING UNDERAGE DRINKING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-89 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Any person to whom the sale of alcoholic liquor is by law  
4 forbidden who purchases or attempts to purchase such liquor or who  
5 makes any false statement for the purpose of procuring such liquor  
6 shall be fined not less than two hundred nor more than five hundred  
7 dollars.

8 (b) (1) Any minor who possesses any alcoholic liquor [on any street  
9 or highway or in any public place or place open to the public,  
10 including any club which is open to the public, shall] may be fined not  
11 less than two hundred nor more than five hundred dollars, or may be  
12 required to perform not more than one hundred eighty days of  
13 community service, as defined in section 14-227e, or both. The court

14 also may (A) suspend such minor's motor vehicle operator's license or  
 15 nonresident operating privilege, if any, for not more than one hundred  
 16 eighty days, (B) order such minor to attend an alcohol education  
 17 program, or (C) require such minor to receive mental health or  
 18 substance abuse counseling.

19 (2) The provisions of this subsection shall not apply to [(1)] (A) a  
 20 person over age eighteen who is an employee or permit holder under  
 21 section 30-90a and who possesses alcoholic liquor in the course of his  
 22 employment or business, [(2)] (B) a minor who possesses alcoholic  
 23 liquor on the order of a practicing physician, or [(3)] (C) a minor who  
 24 possesses alcoholic liquor while accompanied by a parent, guardian or  
 25 spouse, who has attained the age of twenty-one.

26 Sec. 2. Subsection (d) of section 54-56g of the general statutes is  
 27 repealed and the following is substituted in lieu thereof (*Effective*  
 28 *October 1, 2002*):

29 (d) The Department of Mental Health and Addiction Services shall  
 30 contract with service providers, develop standards and oversee  
 31 appropriate alcohol programs, including programs appropriate for  
 32 persons under the age of twenty-one, to meet the requirements of this  
 33 section. Said department shall adopt regulations in accordance with  
 34 chapter 54 to establish standards for such alcohol programs. Any  
 35 defendant whose employment or residence makes it unreasonable to  
 36 attend an alcohol program in this state may attend a program in  
 37 another state which has standards substantially similar to, or higher  
 38 than, those of this state, subject to the approval of the court and  
 39 payment of the application and program fees as provided in this  
 40 section.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

## **OFA Fiscal Note**

### **State Impact:**

<b>Fund-Type</b>	<b>Agency Affected</b>	<b>Current FY \$</b>	<b>FY 03 \$</b>	<b>FY 04 \$</b>
GF - Revenue Loss	Judicial Dept.	-	Potential Minimal	Potential Minimal
TF - Revenue Impact	Motor Vehicle Dept.	-	Potential Minimal	Potential Minimal
GF - Cost	Mental Health & Addiction Serv., Dept.	-	Potential Significant	Potential Significant

Note: GF=General Fund; TF=Transportation Fund

**Municipal Impact:** None

### **Explanation**

The bill permits the court to sentence minors who violate the prohibition against possessing alcohol to 180 days of community service in addition to, or instead of the mandatory \$200 to \$500 fine. In addition, the court may:

1. suspend the minor's motor vehicle operator's license,
2. order the minor to attend an alcohol education program, and
3. order the minor to receive mental health or substance abuse counseling.

The bill could result in a minimal revenue loss to the state from court fines to the extent that judges choose to sentence minors to community service rather than assess them fines. It also could result in a minimal revenue impact associated with driver's license restoration fees. The bill could result in significant costs to the Department of

Mental Health and Addiction Services and the Department of Children and Families to provide mental health or substance abuse counseling.

### **Judicial Department**

In FY 01 there were 1,684 offenses of the prohibition against minors possessing alcohol, resulting in 376 convictions and \$73,000 in revenue from fines. The extent to which judges will choose to apply the community service penalty and assess fines under the bill is unknown. However, any reduction in revenue from fines would be minimal. It is anticipated that the Judicial Department would be able to supervise any additional community service hours required under the bill within available resources.

### **Department of Motor Vehicles**

This bill allows the courts to suspend the driver's license of any minor found in possession of alcohol for up to 180 days. Section 14-111e of the general statutes already requires the Department of Motor Vehicles (DMV) to suspend the license of a minor convicted of a violation under Section 30-88a or Section 30-89 of the general statutes for 150 days. There were approximately 360 such court convictions last year; however, the DMV only received notice and suspended 28 licenses. Thus, it is anticipated that any increase in workload can be handled by existing staff within their normal duties and responsibilities. Any revenue impact from the \$100 restoration fee is indeterminate but is expected to be minimal.

### **Department of Mental Health and Addiction Services / Department of Children and Families**

The bill allows the court to refer a minor to an alcohol education program, presumably the Pretrial Alcohol Education System (PAES) operated by the Department of Mental Health and Addiction Services (DMHAS). This program provides alcohol education counseling to certain individuals charged with drunk driving, and is supported by participant fees. These additional clients will result in additional

program expenses as well as offsetting revenue from fees for the restricted, non-General Fund Pretrial Account operated by DMHAS. There will therefore be no net fiscal impact from the potential increase caseload. The bill also requires DMHAS to develop age-appropriate alcohol education services. This will lead to a one time cost to adapt the current PAES curriculum. This cost is expected to be minimal and can be handled within anticipated budgetary resources.

The bill further specifies that a court may require a minor to receive mental health or substance abuse counseling. The bill does not specify who must provide these services. If such minors have no insurance or entitlement coverage, and are deemed to fit the target population profile, both the Department of Children and Families and DMHAS may incur significant increased costs to provide this counseling. The extent of these increased costs will be dependent upon the number of minors referred to the departments as well as the intensity of services required.

**OLR Bill Analysis**

sSB 570

**AN ACT CONCERNING UNDERAGE DRINKING****SUMMARY:**

Current law makes it illegal for anyone under age 21 to possess alcohol on any street or highway or in a public place or place open to the public, including any club open to the public. Violators are subject to a mandatory fine of \$200 to \$500, and the motor vehicle commissioner must suspend their operator's license for 150 days. This bill expands this prohibition by making it illegal for minors to possess alcohol anywhere. It authorizes the court to sentence violators to up to 180 days of community service in addition to, or instead of, the fine. It also authorizes the court to suspend the violator's operator's license or non-resident operating privilege for up to 180 days, order him to attend an alcohol education program, or require him to receive mental health or substance abuse counseling. Since the bill does not eliminate or refer to the motor vehicle commissioner's current duty to suspend the operator's license for 150 days, both suspensions appear to apply to the same offense.

Existing law, unchanged by the bill, exempts (1) people over age 18 who possess alcohol in the course of their employment for someone with a permit to sell alcohol or (2) people under age 21 who possess alcohol (a) on doctor's orders or (b) while accompanied by their parent, guardian, or spouse, who is at least 21 years old.

The bill requires the Department of Mental Health Services to contract with service providers, develop standards, and to oversee alcohol programs for the pretrial alcohol education system that are appropriate for people under age 21. The pretrial alcohol education system is for people accused of driving under the influence who have no prior DWI convictions.

EFFECTIVE DATE: October 1, 2002

**COMMUNITY SERVICE**

***Sentence of Community Service***

A sentence of community service involves placement in an unpaid position with a nonprofit or tax-supported agency for a specified number of hours of work or service within a given time period.

***Community Service Plan***

A sentence of community service apparently must be based on a community service plan. This plan must be an agreement between the court and the defendant. It must specify:

1. the required number of hours,
2. the type of agency that the defendant will work for,
3. the time period in which the community service will be completed,
4. the tentative schedule,
5. a brief description of the defendant's responsibilities,
6. conditions of the plan and sanctions for failure to fulfill it, and
7. the plan supervisor.

The court must review and approve the plan before sentencing a defendant to community service. The court fixes the conditions and terms of the sentence and the sentence cannot be imposed without the defendant's consent.

***Termination of a Community Service Sentence***

The court can at any time, for good cause, terminate a community service sentence; modify or enlarge its terms or conditions; or require a defendant to serve the original jail sentence for violating any condition.

**BACKGROUND*****Related Bill***

sHB 5371 (File 121) allows people under age 21 charged with driving with a BAC or .02 or more to apply for the pretrial alcohol education system.

***Related Law—License Suspension***

CGS § 14-111e requires the motor vehicle commissioner to suspend for 150 days the operator's license or nonresident operating privilege of

anyone under age 21 who has been convicted of possessing alcohol in a public place.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40    Nay 0