



House of Representatives

General Assembly

File No. 620

January Session, 2003

Substitute House Bill No. 6693

House of Representatives, May 1, 2003

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, 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 Section 30-89 of the general statutes is repealed and the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, 2003*):

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 be fined not less
11 than two hundred nor more than five hundred dollars. In addition to
12 imposing such fine, the court may order such minor to perform not
13 more than one hundred eighty hours of community service, as defined

14 in section 14-227e, and undergo mental health or substance abuse
15 counseling if an evaluation ordered by the court indicates that such
16 minor would benefit from such counseling.

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

25 (3) For the purposes of this subsection, "minor" means a person
26 under twenty-one years of age.

27 Sec. 2. Section 14-111e of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2003*):

29 (a) The Commissioner of Motor Vehicles shall suspend, for a period
30 of one hundred fifty days, the motor vehicle operator's license,
31 motorcycle operator's license or nonresident operating privilege of any
32 person under the age of twenty-one who has been convicted of a
33 violation of section 30-88a involving the misuse of an operator's license
34 or section 30-89, as amended by this act, involving the purchase [and]
35 or possession of alcoholic liquor by a minor.

36 (b) Any person under the age of twenty-one who has not been
37 issued a motor vehicle operator's license under section 14-36 or a
38 motorcycle operator's license under section 14-40a and who has been
39 convicted of a violation of section 30-88a involving the misuse of an
40 operator's license, section 30-89, as amended by this act, involving the
41 purchase [and] or possession of alcoholic liquor by a minor or
42 subsection (e) of section 1-1h involving the misuse of an identity card,
43 shall not be issued a new operator's license by the commissioner under
44 section 14-36 or [section] 14-40a until a period of one hundred fifty
45 days has elapsed from the date all applicable requirements for any

46 such license have been satisfied by the applicant.

47 Sec. 3. Subsection (b) of section 30-86 of the general statutes is
48 repealed and the following is substituted in lieu thereof (*Effective*
49 *October 1, 2003*):

50 (b) (1) Any permittee or any servant or agent of a permittee who
51 sells or delivers alcoholic liquor to any minor [,] or [to] any intoxicated
52 person, or to any habitual drunkard, knowing the person to be such an
53 habitual drunkard, shall be subject to the penalties of section 30-113.
54 [Any person who sells, ships, delivers or gives any such liquors to
55 such]

56 (2) No person shall sell, ship, deliver or give alcoholic liquor to a
57 minor, by any means, including, but not limited to, the Internet or any
58 other on-line computer network, or at any location, including, but not
59 limited to, a dwelling unit or private property, except on the order of a
60 practicing physician. [, shall be fined not more than one thousand five
61 hundred dollars or imprisoned not more than eighteen months, or
62 both.] Any person who violates the provisions of this subdivision, for a
63 first offense, shall be fined not more than five hundred dollars or
64 imprisoned not more than one year, or both, and may be ordered to
65 perform not more than one hundred eighty hours of community
66 service, as defined in section 14-227e, and, for a second offense, shall
67 be fined not more than one thousand five hundred dollars or
68 imprisoned not more than eighteen months, or both.

69 (3) No person twenty-one years of age or older having possession or
70 control of any dwelling unit or private property shall (A) knowingly
71 permit a minor to possess alcoholic liquor in violation of subsection (b)
72 of section 30-89, as amended by this act, in such dwelling unit or on
73 such private property, or (B) knowing that a minor possesses alcoholic
74 liquor in violation of subsection (b) of section 30-89, as amended by
75 this act, in such dwelling unit or on such private property, fail to make
76 reasonable efforts to halt such possession. Any person who violates the
77 provisions of this subdivision, for a first offense, shall be fined not
78 more than five hundred dollars or imprisoned not more than one year,

79 or both, and may be ordered to perform not more than one hundred
 80 eighty hours of community service, as defined in section 14-227e, and,
 81 for a second offense, shall be fined not more than one thousand five
 82 hundred dollars or imprisoned not more than eighteen months, or
 83 both.

84 (4) The provisions of this [section] subsection shall not apply [(1)]
 85 (A) to a sale, shipment or delivery made to a person over age eighteen
 86 who is an employee or permit holder under section 30-90a and where
 87 such sale, shipment or delivery is made in the course of such person's
 88 employment or business, [(2)] (B) to a sale, shipment or delivery made
 89 in good faith to a minor who practices any deceit in the procurement of
 90 an identity card issued in accordance with the provisions of section
 91 1-1h, who uses or exhibits any such identity card belonging to any
 92 other person or who uses or exhibits any such identity card that has
 93 been altered or tampered with in any way, or [(3)] (C) to a shipment or
 94 delivery made to a minor by a parent, guardian or spouse of the minor,
 95 provided such parent, guardian or spouse has attained the age of
 96 twenty-one and provided such minor possesses such alcoholic liquor
 97 while accompanied by such parent, guardian or spouse.

98 (5) For the purposes of this subsection, "minor" means a person
 99 under twenty-one years of age.

This act shall take effect as follows:	
Section 1	October 1, 2003
Sec. 2	October 1, 2003
Sec. 3	October 1, 2003

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	GF - Cost	Significant	Significant
Motor Vehicle Dept.	GF - Revenue Gain	Indeterminate	Indeterminate
Mental Health & Addiction Serv., Dept.; Children & Families, Dept.	GF - Cost	Potential Significant	Potential Significant
Criminal Justice, Div.; Pub. Defender Serv. Com.; Public Safety, Dept.	GF - None	None	None
Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Municipal Police Departments	None	None	None

Explanation

There were 1,742 violations of the prohibition against minors possessing alcohol in public places in FY 02, resulting in 379 convictions. It is anticipated that the bill would substantially increase the number of violations and convictions by extending the prohibition to include private property. For comparison purposes, a 25% increase would result in an additional 436 offenses and 95 convictions annually.

Evaluations and Community Service

Under the bill, the court may order a minor to perform up to 180 hours of community service and require the minor to undergo mental health or substance abuse counseling if an evaluation indicates that it would be beneficial. The bill would substantially increase the number of evaluations conducted and therefore result in a significant cost to

the Judicial Department to expand its service contracts. It is anticipated that the provision of community service under the bill could be done without additional appropriations.

Suspension of Motor Vehicle Licenses

The Department of Motor Vehicles (DMV) already suspends the driver's license or refuses to issue new licenses to minors convicted of illegally purchasing and possessing alcoholic liquor. Since the bill expands the "possession" provision to anywhere in the state, passage of the bill would increase the number of suspensions currently effected by the DMV. However, since these types of suspensions do not require administrative hearings and no programming changes are required, the workload increase will not require an additional appropriation. An indeterminate revenue gain to the Transportation Fund from the \$100 restoration fee is anticipated.

Substance Abuse & Mental Health Treatment

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 would also require 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 the court may require a minor to receive mental health or substance abuse counseling if a court ordered evaluation finds the minor would benefit from such counseling. It does not specify the entities that would provide the evaluation or

counseling, nor does it indicate which state agency would bear the financial burden when such minors have insufficient insurance, lack ability to pay privately or are ineligible for publicly funded entitlement services. To the extent that the Department of Children and Families and DMHAS are held responsible for the provision of additional services, significant costs may be incurred. These costs would vary depending upon the number of minors referred to each department as well as the intensity of services provided.

Criminal Sanctions

The bill establishes criminal penalties for minors or adults who provide alcoholic liquor to minors on private property. It also makes it a crime for an adult to knowingly permit a minor to possess alcoholic liquor on private property. The potential number of offenses and convictions is unknown. The annual cost of incarceration is \$26,331; the annual cost of probation could range from \$45 to \$260, depending upon the type of probation required for offenders under the bill. Any revenue gain from criminal fines is anticipated to be minimal. It is expected that state prosecutors, public defenders and law enforcement agencies would be able to handle cases under the bill without needing additional appropriations.

OLR Bill Analysis

sHB 6693

AN ACT CONCERNING UNDERAGE DRINKING**SUMMARY:**

This bill makes it illegal for a minor to possess alcohol anywhere, rather than only in public. As under current law, this provision does not apply to a minor who (1) is over age 18 and possesses alcohol in the course of employment; (2) possesses alcohol on a physician's order; or (3) possesses alcohol while accompanied by his parent, guardian, or spouse over age 21. As under current law, the penalty for illegal possession is a fine of \$200 to \$500. The bill also allows a court to require the minor to (1) perform up to 180 hours of community service and (2) undergo mental health or substance abuse counseling if a court-ordered evaluation shows that the minor would benefit from counseling. The bill clarifies that a minor is a person under age 21 for these provisions.

Under current law, the motor vehicles commissioner must suspend the driver's license or refuse to issue a new license to a minor convicted of illegally purchasing and possessing alcohol. The bill specifies that he must do so for either illegal purchase or illegal possession.

Current law prohibits someone from selling, shipping, delivering, or giving alcohol to a minor by any means, including the Internet. The bill specifies that this applies to providing alcohol at any location, including a dwelling unit or private property. It lowers the penalty for first violations and makes the current penalty (a fine of up to \$1,500, up to 18 months in prison, or both) the punishment for second offenses. The new first offense penalty is a fine of up to \$500, up to one year in prison, or both, and the court can order up to 180 hours of community service.

The bill prohibits someone over age 21 who possesses or controls a dwelling unit or private property from knowingly permitting a minor to illegally possess alcohol in the unit or on the property. The bill also makes it illegal for such a person to fail to make reasonable efforts to stop the possession of alcohol in the unit or on the property by a minor he knows possesses alcohol illegally. A first offense is punishable by a

fine of up to \$500, up to one year in prison, or both, and the court can order up to 180 hours of community service. A second offense is punishable by a fine of up to \$1,500, up to 18 months in prison, or both.

EFFECTIVE DATE: October 1, 2003

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 33 Nay 6