



General Assembly

**Amendment**

February Session, 2004

LCO No. 4257

**\*HB0549704257HRO\***

Offered by:

REP. KLARIDES, 114<sup>th</sup> Dist.

REP. LAWLOR, 99<sup>th</sup> Dist.

REP. FARR, 19<sup>th</sup> Dist.

REP. STONE, 9<sup>th</sup> Dist.

To: Subst. House Bill No. 5497

File No. 628

Cal. No. 115

**"AN ACT DISCOURAGING THE SALE OF ALCOHOLIC LIQUOR  
TO UNDERAGE PERSONS."**

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1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2004*) (a) No person having  
4 possession of, or exercising dominion and control over, any dwelling  
5 unit or private property shall (1) knowingly permit any minor to  
6 possess alcoholic liquor in violation of subsection (b) of section 30-89 of  
7 the general statutes, as amended by this act, in such dwelling unit or  
8 on such private property, or (2) knowing that any minor possesses  
9 alcoholic liquor in violation of subsection (b) of section 30-89 of the  
10 general statutes, as amended by this act, in such dwelling unit or on  
11 such private property, fail to make reasonable efforts to halt such  
12 possession. For the purposes of this section, "minor" means a person  
13 under twenty-one years of age.

14 (b) Any person who violates the provisions of this section shall, for  
15 a first offense, be fined not more than five hundred dollars and, for a  
16 second or subsequent offense, be fined not more than one thousand  
17 dollars.

18 Sec. 502. Subsection (b) of section 30-89 of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective*  
20 *October 1, 2004*):

21 (b) (1) Any minor who possesses any alcoholic liquor [on any street  
22 or highway or in any public place or place open to the public,  
23 including any club which is open to the public,] shall be fined not less  
24 than two hundred nor more than five hundred dollars and be subject  
25 to the provisions of section 14-111e. Such fine may be remitted as  
26 provided in section 54-74.

27 (2) If the court finds that a person charged with a violation of  
28 subdivision (1) of this subsection (A) will probably not offend in the  
29 future, (B) has not previously been convicted of a violation of this  
30 subsection, and (C) has not previously had a prosecution under this  
31 subsection suspended pursuant to this subdivision, it may order  
32 suspension of prosecution. The court shall not order suspension of  
33 prosecution unless the accused person has acknowledged that he or  
34 she understands the consequences of the suspension of prosecution.  
35 Any person for whom prosecution is suspended shall agree to the  
36 tolling of any statute of limitations with respect to such violation and  
37 to a waiver of such person's right to a speedy trial. Such person shall  
38 appear in court and shall be released to the custody of the Court  
39 Support Services Division for such period, not exceeding one year, and  
40 under such conditions, including the performance of not more than  
41 one hundred eighty hours of community service, as defined in section  
42 14-227e, as the court shall order. If the person refuses to accept, or,  
43 having accepted, violates such conditions, the court shall terminate the  
44 suspension of prosecution and the case shall be brought to trial. If such  
45 person satisfactorily completes such person's period of probation, such  
46 person may apply for dismissal of the charges against him or her and

47 the court, on finding such satisfactory completion, shall dismiss such  
48 charges. If the person does not apply for dismissal of the charges  
49 against him or her after satisfactorily completing such person's period  
50 of probation, the court, upon receipt of a report submitted by the Court  
51 Support Services Division that the person satisfactorily completed the  
52 period of probation, may on its own motion make a finding of such  
53 satisfactory completion and dismiss such charges. Upon dismissal, all  
54 records of such charges shall be erased pursuant to section 54-142a. An  
55 order of the court denying a motion to dismiss the charges against a  
56 person who has completed such person's period of probation or  
57 terminating the suspension of prosecution shall be a final judgment for  
58 purposes of appeal.

59 (3) The provisions of subdivision (1) of this subsection shall not  
60 apply to [(1)] (A) a person over age eighteen who is an employee or  
61 permit holder under section 30-90a and who possesses alcoholic liquor  
62 in the course of [his] such person's employment or business, [(2)] (B) a  
63 minor who possesses alcoholic liquor on the order of a practicing  
64 physician, or [(3)] (C) a minor who possesses alcoholic liquor while  
65 accompanied by a parent, guardian or spouse of the minor, who has  
66 attained the age of twenty-one.

67 (4) For the purposes of this subsection, "minor" means a person  
68 under twenty-one years of age."