



House of Representatives

General Assembly

File No. 439

January Session, 2005

House Bill No. 6901

House of Representatives, April 19, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the 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. (NEW) (*Effective October 1, 2005*) (a) No person having
2 possession of, or exercising dominion and control over, any dwelling
3 unit or private property shall (1) knowingly permit any minor to
4 possess alcoholic liquor in violation of subsection (b) of section 30-89 of
5 the general statutes, as amended by this act, in such dwelling unit or
6 on such private property, or (2) knowing that any minor possesses
7 alcoholic liquor in violation of subsection (b) of section 30-89 of the
8 general statutes, as amended by this act, in such dwelling unit or on
9 such private property, fail to make reasonable efforts to halt such
10 possession. For the purposes of this subsection, "minor" means a
11 person under twenty-one years of age.

12 (b) Any person who violates the provisions of subsection (a) of this
13 section shall have committed an infraction.

14 Sec. 2. Subsection (b) of section 30-89 of the general statutes is
15 repealed and the following is substituted in lieu thereof (*Effective*
16 *October 1, 2005*):

17 (b) Any minor who possesses any alcoholic liquor [on any street or
18 highway or in any public place or place open to the public, including
19 any club which is open to the public, shall be fined not less than two
20 hundred nor more than five hundred dollars] on public or private
21 property shall have committed an infraction. The provisions of this
22 subsection shall not apply to (1) a person over age eighteen who is an
23 employee or permit holder under section 30-90a and who possesses
24 alcoholic liquor in the course of [his] such person's employment or
25 business, (2) a minor who possesses alcoholic liquor on the order of a
26 practicing physician, or (3) a minor who possesses alcoholic liquor
27 while accompanied by a parent, guardian or spouse of the minor, who
28 has attained the age of twenty-one. For the purposes of this subsection,
29 "minor" means a person under twenty-one years of age.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	30-89(b)

JUD *Joint Favorable*

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-Effect	FY 06 \$	FY 07 \$
Judicial Dept.	GF - Revenue Gain	Less than 50,000	Less than 50,000
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Municipal Police Departments	None	None	None

Explanation

Any state revenue impact associated with infractions under the bill is anticipated to be minimal. The bill establishes an infraction that may be imposed on a person in control of private property who permits a minor (under twenty-one years of age) to possess alcohol. It also provides that an infraction may be imposed on the minor for possession of alcohol on private property; current law prohibits possession by a minor on public property, only.

The dollar value of the bill’s infractions would range from \$74 to \$136. The Judges of the Superior Court must determine the exact amount of the infractions, provided they are between \$35 and \$90.¹ Subsequent to this determination, various other statutory surcharges would be added to bring the total amounts due to the range provided above. The revenue gain associated with the new infractions is expected to be minimal given the number of fines imposed and associated revenues for the possession of alcohol by a minor in a public place: about 300 fines are imposed annually with revenues of \$37,000 (average fine of \$123).

Note that the bill alters the fine amount that may be imposed on a minor in possession of alcohol in a public place. Minors receive an average fine of \$123 under current law. However, the bill could provide for a fine of between \$74 and \$136. Any revenue impact associated with this change would be less than \$15,000 annually. The bill will result in a net revenue gain to the state from the two new infractions related to possession of alcohol on private property.

Law enforcement agencies could accommodate enforcement of the bill's provisions without requiring additional appropriations.

¹ See CGS Section 51-164m.

OLR Bill Analysis

HB-6901

AN ACT CONCERNING UNDERAGE DRINKING**SUMMARY:**

This bill makes it illegal for someone who possesses or controls private property, including a dwelling unit, to (1) knowingly permit a minor to illegally possess alcohol in the unit or on the property or (2) 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. The bill makes this an infraction. A minor is a person under age 21 for these provisions.

The bill also makes it illegal for a minor to possess alcohol anywhere, rather than only in public places. The bill makes this an infraction. Under current law, the penalty for possession in a public place is a fine of \$200 to \$500. The bill clarifies that a minor is a person under age 21 for these provisions.

As under current law, these provision do 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.

EFFECTIVE DATE: October 1, 2005

BACKGROUND***Selling, Shipping, Delivering, or Giving Alcoholic Liquor to Someone Under Age 21***

By law, someone who sells, ships, delivers, or gives alcoholic liquor to someone under age 21, with certain exceptions, is subject to a maximum fine of \$1,500, imprisonment for up to 18 months, or both. The prohibition does not apply to (1) alcoholic liquor provided on the order of a practicing physician; (2) sale, shipment, or delivery to someone over age 18 who is a liquor permit holder, or his employee, when this is done in the normal course of employment or business; (3)

sale, shipment, or delivery made in good faith to a minor who uses deceit to procure a nondriver photo identification card, uses such an identity card belonging to someone else, or uses one that has been altered or tampered with; or (4) shipment or delivery to a minor by his parent, guardian, or spouse who is age 21 or older and accompanying the minor.

Under the law, a liquor permit holder prosecuted for selling alcoholic liquor to a minor has as an affirmative defense that (1) the person attempting to purchase or receive the alcohol presented a driver's license or identity card, (2) a transaction scan of the license or identity card indicated that it was valid, and (3) the alcoholic liquor was sold in reasonable reliance upon the identification presented and the transaction scan. (A transaction scan involves the use of an electronic device at the point of sale that checks information on a magnetic strip or barcode.) The law provides no similar defense for a private individual who gives alcoholic liquor to a minor based on presentation of a driver's license.

Related Bill

HB 5463 (File 169), requires the motor vehicle commissioner to suspend the driver's license or nonresident operating privilege of anyone convicted of selling, shipping, delivering, or giving alcoholic liquor to someone under age 21.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 33 Nay 0