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**TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE JUDICIARY COMMITTEE
FEBRUARY 24, 2006**

I appreciate the opportunity to support House Bill 5211, An Act Concerning Underage Drinking.

This proposal would prohibit parents from hosting parties where alcohol is served to minors. It would also require homeowners to take reasonable steps to stop minors from possessing such alcohol once they become aware of it. A violation would be an infraction, punishable by a civil fine of up to \$100.

This legislation is modeled on ordinances that have been adopted by more than 40 towns throughout Connecticut reflecting almost half our state's population. I have visited many such towns, working with the Coalition to Stop Underage Drinking to encourage local town councils, boards of selectmen and town meetings to adopt such ordinances. Where approved, the ordinances have substantially reduced the frequency of such parties by approximately 50%. Most recently, on Friday evening I visited Sherman and Kent, which were considering a proposed ordinance at town meetings.

One of the most common questions asked of me at such local meetings is: Why hasn't the state adopted this measure? There's no good answer. It should be done. Now is the time. The General Assembly should adopt a statewide law that will prevent serious injury and death to our youth.

Youth and alcohol are a potent and perilous combination -- producing crashes and carnage on our roads and alcohol poisoning in our homes. Too many underage teenagers die after drinking and driving while intoxicated. Alcohol is the drug of choice among Connecticut children. Connecticut youth drink at rates 26% higher than their peers nationally. A recent survey by the Department of Mental Health and Addiction Services found that more than 47% of 11th-12th grade students say that easy access to alcohol encourages their decision to drink. More than 50% of Connecticut's youth obtain alcohol in their homes, 77% of high school students report obtaining alcohol in their homes, with or without their parents' consent, and finally, 61% of teen drinking occurs at parties in their own homes. Parents commonly allow their children to drink -- and some even host parties with alcohol for their children.

Several years ago, after two teens were killed in Glastonbury at a party hosted by an adult where alcohol was served, Glastonbury officials asked for my help in drafting an ordinance that would provide authority to fine adults who host teenage alcohol parties. The ordinance has a fine of not more than \$99 – but punishment is not the real reason for the ordinance. In fact, there already are criminal sanctions and civil liability for serving alcohol to minors, but most of these penalties occur after there has been an injury or death. In contrast, Glastonbury's ordinance enables police to intervene before tragedy strikes, when they become aware of a private teenage alcohol party. This intervention is a key preventive measure because it allows the police to stop the party and ensure that teens safely return home.

This legislation, like local ordinances, would provide support and reinforcement to responsible parents and young people. It enables them to give another reason -- a legal one -- for doing the right thing, against social and peer pressure. It is also a deterrent, giving police a measure that helps prevent tragedy and irresponsible acts leading to it -- before it happens.

At community forums I've attended, some residents have raised Fourth Amendment search and seizure concerns. This legislation would not violate Fourth Amendment constitutional protections because it does not authorize any specific search by police or new search and seizure powers by any law enforcement authority. Rather, the legislation prohibits specific conduct on private property -- providing alcohol to minors and possession by them under certain circumstances.

Passage of the proposed law would allow police to enter private property only if they have evidence indicating that adults are hosting a party or allowing minors to possess alcohol in violation of the law. The law does not reduce the constitutional threshold for police to enter private property. They must have probable cause or a warrant.

The Fourth Amendment to the United States Constitution and Article I, Section 7 of the Connecticut Constitution protect individuals from unreasonable searches and seizures. Under such circumstances police are allowed to enter private property for purposes of conducting legitimate law enforcement activities.

The time has come for this kind of preventive measure statewide. It not only works, but is overwhelmingly supported -- by more than 85% of adults in Connecticut.

I strongly urge the committee's favorable consideration of House Bill 5211.