



House of Representatives

General Assembly

File No. 308

February Session, 2008

House Bill No. 5676

House of Representatives, March 31, 2008

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 THE PENALTY FOR THE ILLEGAL POSSESSION OF ALCOHOL BY MINORS.

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

1 Section 1. Subsection (b) of section 30-89 of the 2008 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2008*):

4 (b) Any minor who possesses any alcoholic liquor (1) on any public
5 street or highway, or (2) in any other public or private location, shall [,
6 for a first offense, have committed an infraction and for any
7 subsequent offense,] be fined not less than two hundred dollars or
8 more than five hundred dollars.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008</i>	30-89(b)
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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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Revenue Loss	Approximately 50,000	Approximately 50,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires any minor charged with a first offense to appear in court (current law designates this as an infraction that is payable by mail). The bill also increases, from \$136 to between \$200 and \$500, the fine that may be imposed for a first offense. Based on prior experience, it is anticipated that eliminating the ability to pay the fine by mail will decrease state revenues generated under this statute even though the bill increases the fines.¹ The annual revenue loss is estimated to be approximately \$50,000. It is anticipated that the Judicial Department could accommodate the increased caseload under the bill without requiring additional court staff or expenses.

The Out Years

The annualized ongoing revenue loss identified above would remain relatively constant into the future since fine amounts are set by statute.

¹ Prior to passage of PA 06-112, an offense was punishable by a fine of between \$200 and \$500, and the average revenue per offense was \$43. Subsequent to passage of PA 06-112, which established a fine of \$136 payable by mail, the average revenue per offense has been \$67.

OLR Bill Analysis**HB 5676*****AN ACT CONCERNING THE PENALTY FOR THE ILLEGAL POSSESSION OF ALCOHOL BY MINORS.*****SUMMARY:**

This bill requires minors charged with unlawful possession of alcohol to appear in court, eliminating a first-time offender's ability to pay the fine by mail instead. Currently, a first offense is an infraction, punishable by a fine of \$136. Under the bill, a first offense is no longer an infraction and the fine increases to \$200-\$500. The \$200-500 fine for each subsequent offense is unchanged.

By law, those who plead guilty to, or are convicted of committing, this offense are also subject to a 60-day driver's license suspension if the possession occurred on a public street or highway or a 30-day suspension if it occurred in any other location.

EFFECTIVE DATE: July 1, 2008

BACKGROUND***Related Bill***

SB 352, favorably reported by the Public Safety Committee, increases the fine for repeat offenses to \$500-\$1,000.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 1 (03/12/2008)