



House of Representatives

General Assembly

File No. 482

February Session, 2012

Substitute House Bill No. 5360

House of Representatives, April 17, 2012

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY.

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

1 Section 1. Section 30-89a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) No person having possession of, or exercising dominion and
4 control over, any dwelling unit or private property shall, while being
5 physically present in such dwelling unit or on such private property,
6 (1) knowingly permit any minor to possess alcoholic liquor in violation
7 of subsection (b) of section 30-89 in such dwelling unit or on such
8 private property, or (2) knowing that any minor possesses alcoholic
9 liquor in violation of subsection (b) of section 30-89 in such dwelling
10 unit or on such private property, fail to make reasonable efforts to halt
11 such possession. For the purposes of this subsection, "minor" means a
12 person under twenty-one years of age.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	GF - Potential Revenue Gain	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill adds a requirement regarding enforcing illegal possession of alcohol by a minor on a private property. It adds the stipulation that the person who owns the property, and who would be charged with the offense, must be physically present on the property in order to be charged. This could decrease the number of offenses under this statute. In FY 11, a total of 719 violations occurred, which resulted in total fine revenue of approximately \$20,000. The bill could reduce the total number of violations and revenue since some of these violations may have occurred without the property owner being present.

In addition, the bill changes the first offense from an infraction with no fine to an infraction with a \$500 fine. This could increase the total revenue gain from the fines.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis**sHB 5360*****AN ACT PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY.*****SUMMARY:**

Current law prohibits 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 a minor from possessing alcohol in the unit or on the property when he or she knows the minor possesses alcohol illegally. This bill adds the requirement that the person who owns or controls the property be physically present.

The bill increases the penalty for a first offense from an infraction to a fine of up to \$500, up to one year imprisonment, or both. This is the penalty for subsequent offenses.

EFFECTIVE DATE: October 1, 2012

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute Change of Reference

Yea 13 Nay 5 (03/20/2012)

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/02/2012)