



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

**H.B. NO. 5336: AN ACT CONCERNING THE POSSESSION
OF ALCOHOLIC LIQUOR BY MINORS**

JOINT COMMITTEE ON GENERAL LAW
March 6, 2014

The Division of Criminal Justice respectfully requests and recommends the Committee's Joint Favorable Report for H.B. No. 5336, An Act Concerning the Possession of Alcoholic Liquor by Minors. This bill is exactly what is stated in the statement of purpose: a purely technical correction to Section 30-89a of the General Statutes.

Subsection (2) of Section 30-89a is not enforceable because it does not make sense, obviously as the result of an unintentional drafting error during the course of the enactment of Public Act 12-199.

As stated in our testimony on the same legislation in the 2013 Session (H.B. No. 6408), the problem with 30-89a is best illustrated by reading the two subsections of 30-89a separate from each other since both subsections and must stand alone when the law is applied.

In doing so, 30-89a (a) (1) would read as follows:

No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall (1) knowingly, recklessly, or with criminal negligence, permit any minor to possess alcoholic liquor in violation of subsection (b) of section 30-89 in such dwelling unit or on such private property[.]

The first subsection is clear as to the conduct it addresses. This is not the case, however, if you take 30-89a (a) (2) and combine it with the relevant introductory language carried over from subsection (a). Following is the result of reading the second subsection on its own:

No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall fail to make reasonable efforts to halt such possession.

It makes no sense and obviously cannot be applied as was intended with the passage of P.A. 12-199. H.B. No. 5336 adds the obviously omitted language so that Section 39-89a (a) (2) reads as follows:

No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall ... knowing that any minor possesses alcoholic liquor in violation of subsection (b) of section 30-89 in such dwelling unit or on such private property, fail to make reasonable efforts to halt such possession.

This is what was intended with the passage of P.A. 12-199 – to strengthen the state's "social host" law and give the authorities another tool to combat underage drinking. H.B. No. 5336 reaffirms the intention of P.A. 12-199 by correcting what was obviously an error in the drafting of the act. We would respectfully urge the Committee's JOINT FAVORABLE REPORT.

In conclusion, the Division of Criminal Justice expresses its appreciation to the Committee for its consideration of this legislation. We would be happy to provide any additional information you might require or answer any questions you might have. Thank you.