



Senate

General Assembly

File No. 487

January Session, 2021

Senate Bill No. 919

Senate, April 15, 2021

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING IMMUNITY FROM CRIMINAL PROSECUTION FOR A MINOR WHO POSSESSES ALCOHOL WHEN THE MINOR SEEKS EMERGENCY ASSISTANCE TO PREVENT THE DEATH OR SERIOUS INJURY OF ANOTHER PERSON.

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

1 Section 1. Section 30-89 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) Any person to whom the sale of alcoholic liquor is by law
4 forbidden who purchases or attempts to purchase such liquor or who
5 makes any false statement for the purpose of procuring such liquor shall
6 be fined not less than two hundred or more than five hundred dollars.

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

12 (c) The provisions of subsection (b) of this section shall not apply to
13 (1) a person over age eighteen who is an employee or permit holder
14 under section 30-90a and who possesses alcoholic liquor in the course of
15 such person's employment or business, (2) a minor who possesses
16 alcoholic liquor on the order of a practicing physician, or (3) a minor
17 who possesses alcoholic liquor while accompanied by a parent,
18 guardian or spouse of the minor, who has attained the age of twenty-
19 one. Nothing in this subsection shall be construed to burden a person's
20 exercise of religion under section 3 of article first of the Constitution of
21 the state in violation of subsection (a) of section 52-571b.

22 (d) Notwithstanding the provisions of subsection (b) of this section, a
23 minor who possesses alcohol shall not be criminally prosecuted for the
24 commission of an offense of subsection (b) of this section when:

25 (1) A law enforcement officer first became aware of the minor's
26 violation of subsection (b) of this section after the minor placed a 9-1-1
27 call to a law enforcement agency requesting emergency medical
28 assistance based on the minor's reasonable belief that another individual
29 was in need of immediate medical assistance to prevent death or serious
30 bodily injury;

31 (2) The minor placing the 9-1-1 call was the first person to make the
32 9-1-1 call requesting immediate medical assistance to prevent the death
33 or serious bodily injury of another individual;

34 (3) The minor provided his or her own full name and any other
35 relevant information requested by the law enforcement agency during
36 the 9-1-1 call; and

37 (4) The minor remained at the scene with the individual needing
38 immediate medical assistance until a law enforcement officer and
39 emergency medical personnel arrived, and thereafter the minor fully
40 cooperated with the law enforcement officer and emergency medical
41 personnel at the scene.

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

Section 1	<i>October 1, 2021</i>	30-89
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JUD *Joint Favorable*

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 22 \$	FY 23 \$
Resources of the General Fund	GF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits minors from being charged with possessing alcohol when they make a 9-1-1 call to prevent the death or serious injury of another person. To the extent that these minors are currently being charged, the bill results in potential revenue loss from the fine.

The Out Years

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

OLR Bill Analysis**SB 919****AN ACT CONCERNING IMMUNITY FROM CRIMINAL PROSECUTION FOR A MINOR WHO POSSESSES ALCOHOL WHEN THE MINOR SEEKS EMERGENCY ASSISTANCE TO PREVENT THE DEATH OR SERIOUS INJURY OF ANOTHER PERSON.****SUMMARY**

This bill gives minors (i.e., under age 21) immunity from criminal prosecution for possessing alcohol when they call 9-1-1 to prevent another person's death or serious injury. By law, a first violation for possession of alcohol as a minor is an infraction, and a second violation is punishable by a fine of \$200 to \$500. Convicted minors also face driver's license sanctions (e.g., a 60-day suspension if the minor possessed alcohol in public) (CGS § 14-111e).

Under the bill, in order for the immunity to apply, a law enforcement officer must first become aware of a minor's illegal possession of alcoholic liquor (e.g., spirit, wine, or beer) after the minor made a 9-1-1 call to a law enforcement agency requesting emergency medical assistance. The minor must have called based on his or her reasonable belief that another individual needed immediate medical assistance to prevent death or serious bodily injury.

Additionally, the bill requires the minor placing the call to (1) be the first person to make the call requesting immediate medical assistance and (2) provide his or her full name and any other relevant information the law enforcement agency requests during the call. Finally, the minor must remain at the scene with the individual needing immediate medical assistance until law enforcement and emergency medical personnel arrives, and fully cooperate with them at the scene.

EFFECTIVE DATE: October 1, 2021

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 36 Nay 1 (03/29/2021)