

## **Criminal Penalties for Alcohol Possession by Minors**

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December 13, 2023 | 2023-R-0288

### **Issue**

Summarize the criminal penalties in Connecticut law for (1) homeowners who knowingly allow minors (i.e., under age 21) to possess alcohol on their property and (2) minors found in possession of alcohol. This report updates OLR Report [2018-R-0216](#).

The Office of Legislative Research is not authorized to provide legal opinions and the following should not be considered one.

### **Summary**

The law generally prohibits adult residents from allowing minors to possess alcohol on their property. It also generally prohibits adults from serving alcohol to minors on their property. The adult may be charged with misdemeanor or felony offenses, depending on the circumstances, for doing so. It is also an infraction for a minor to possess alcohol and the penalty includes a fine and a driver's license suspension for 30 or 60 days.

A resident may also be civilly liable for injuries related to a minor consuming alcohol on his or her property, but this report focuses on the criminal penalties.

### **Allowing a Minor to Possess Alcohol on Person's Property**

By law, it is a class A misdemeanor for someone who possesses or controls private property, including a dwelling unit, to (1) knowingly or recklessly permit a minor to illegally possess alcohol on the property or (2) fail to make reasonable efforts to stop a minor from possessing alcohol on the

property when he or she knows the minor possesses alcohol illegally. A person convicted for violating this law may be sentenced to up to 364 days in prison, up to a \$2,000 fine, or both ([CGS § 30-89a](#)).

In some circumstances, a person who serves alcohol to a minor on his or her property may also be charged with serving alcohol to a minor, punishable by up to 18 months in prison, up to a \$3,500 fine, or both. There are certain exceptions to this law, including if the person serving the alcohol is the child's parent or guardian and is with the child while the child has the alcohol ([CGS § 30-86\(b\)\(2\) & \(3\)](#)).

A person who serves alcohol to a minor under age 16 on his or her property may also be charged with risk of injury to a minor, a class C felony punishable by up to 10 years in prison, up to a \$10,000 fine, or both ([CGS § 53-21\(a\)\(1\)](#)) (see for example *State v. Springmann*, 69 Conn. App. 400 (2002), which upheld the defendant's conviction for risk of injury for serving alcohol to minors at his home to the point that they became intoxicated).

## **Possessing Alcohol as a Minor**

The law also generally prohibits anyone under age 21 from possessing alcohol in any public or private location. A first offense is an infraction and subsequent offenses are punishable by fines of between \$200 and \$500. This law does not apply to (1) a person over age 18 who is an employee or an alcoholic liquor permittee and possesses alcohol in the course of his or her employment or business; (2) a minor who possesses alcohol on the order of a practicing physician; or (3) a minor who possesses alcohol while accompanied by a parent, guardian, or spouse who is age 21 or older. Additionally, the law gives a minor immunity from criminal prosecution for illegally possessing alcoholic liquor when he or she calls 9-1-1 to prevent another person's death or serious injury under certain conditions ([CGS § 30-89](#)).

The law also requires the Department of Motor Vehicles commissioner to suspend the minor's driver's license for 30 or 60 days. If the minor is convicted of possessing alcohol and has not yet been issued a driver's license, he or she is ineligible for a license for 150 days after meeting all other applicable requirements ([CGS § 14-111e](#)).

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