

House of Representatives, April 7, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ILLEGAL SALE OR POSSESSION OF DRUGS, ALCOHOL AND CIGARETTES NEAR YOUTH OR TEEN CENTERS.

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

1 Section 1. Subsection (b) of section 21a-278a
2 of the general statutes is repealed and the
3 following is substituted in lieu thereof:
4 (b) Any person who violates section 21a-277
5 or 21a-278 by manufacturing, distributing,
6 selling, prescribing, dispensing, compounding,
7 transporting with the intent to sell or dispense,
8 possessing with the intent to sell or dispense,
9 offering, giving or administering to another
10 person any controlled substance in or on, or
11 within one thousand five hundred feet of, the real
12 property comprising a public or private elementary
13 or secondary school, a public housing project,
14 [or] a licensed child day care center, as defined
15 in section 19a-77, that is identified as a child
16 day care center by a sign posted in a conspicuous
17 place OR A YOUTH OR TEEN CENTER THAT IS IDENTIFIED
18 AS A YOUTH OR TEEN CENTER BY A SIGN POSTED IN A
19 CONSPICUOUS PLACE shall be imprisoned for a term
20 of three years, which shall not be suspended and
21 shall be in addition and consecutive to any term

22 of imprisonment imposed for violation of section
23 21a-277 or 21a-278. To constitute a violation of
24 this subsection, an act of transporting or
25 possessing a controlled substance shall be with
26 intent to sell or dispense in or on, or within one
27 thousand five hundred feet of, the real property
28 comprising a public or private elementary or
29 secondary school, a public housing project or a
30 licensed child day care center, as defined in
31 section 19a-77, that is identified as a child day
32 care center by a sign posted in a conspicuous
33 place. For the purposes of this subsection,
34 "public housing project" means dwelling
35 accommodations operated as a state or federally
36 subsidized multifamily housing project by a
37 housing authority, nonprofit corporation or
38 municipal developer, as defined in section 8-39,
39 pursuant to chapter 128 or by the Connecticut
40 Housing Authority pursuant to chapter 129.

41 Sec. 2. Subsection (d) of section 21a-279 of
42 the general statutes is repealed and the following
43 is substituted in lieu thereof:

44 (d) Any person who violates subsection (a),
45 (b) or (c) of this section in or on, or within one
46 thousand five hundred feet of, the real property
47 comprising a public or private elementary or
48 secondary school and who is not enrolled as a
49 student in such school, [or] a licensed child day
50 care center, as defined in section 19a-77, that is
51 identified as a child day care center by a sign
52 posted in a conspicuous place OR A YOUTH OR TEEN
53 CENTER THAT IS IDENTIFIED AS A YOUTH OR TEEN
54 CENTER BY A SIGN POSTED IN A CONSPICUOUS PLACE
55 shall be imprisoned for a term of two years, which
56 shall not be suspended and shall be in addition
57 and consecutive to any term of imprisonment
58 imposed for violation of subsection (a), (b) or
59 (c) of this section.

60 Sec. 3. Section 30-86 of the general statutes
61 is repealed and the following is substituted in
62 lieu thereof:

63 (a) Any permittee who, by himself, his
64 servant or agent, sells or delivers alcoholic
65 liquor to any minor, or to any intoxicated person,
66 or to any habitual drunkard, knowing him to be
67 such an habitual drunkard, shall be subject to the
68 penalties of section 30-113. Any person who
69 delivers or gives any such liquors to such minor,

70 except on the order of a practicing physician,
71 shall be fined not more than one thousand five
72 hundred dollars or imprisoned not more than
73 eighteen months, or both. ANY PERSON WHO DELIVERS
74 OR GIVES ANY SUCH LIQUORS TO SUCH MINOR IN OR ON,
75 OR WITHIN ONE THOUSAND FIVE HUNDRED FEET OF, THE
76 REAL PROPERTY COMPRISING A PUBLIC OR PRIVATE
77 ELEMENTARY OR SECONDARY SCHOOL, A LICENSED CHILD
78 DAY CARE CENTER, AS DEFINED IN SECTION 19a-77,
79 THAT IS IDENTIFIED AS A CHILD DAY CARE CENTER BY A
80 SIGN POSTED IN A CONSPICUOUS PLACE OR A YOUTH OR
81 TEEN CENTER THAT IS IDENTIFIED AS A YOUTH OR TEEN
82 CENTER BY A SIGN POSTED IN A CONSPICUOUS PLACE,
83 SHALL BE FINED NOT MORE THAN TWO THOUSAND DOLLARS
84 OR IMPRISONED NOT MORE THAN TWO YEARS, OR BOTH.

85 (b) The provisions of this section shall not
86 apply (1) to a sale or delivery made to a person
87 over age eighteen who is an employee or permit
88 holder under section 30-90a and where such sale or
89 delivery is made in the course of such person's
90 employment or business (2) to a sale or delivery
91 made in good faith to a minor who practices any
92 deceit in the procurement of an identity card
93 issued in accordance with the provisions of
94 section 1-1h, who uses or exhibits any such
95 identity card belonging to any other person or who
96 uses or exhibits any such identity card which has
97 been altered or tampered with in any way, or (3)
98 to a delivery made to a minor by a parent,
99 guardian or spouse of the minor, provided such
100 parent, guardian or spouse has attained the age of
101 twenty-one and provided such minor possesses such
102 alcoholic liquor while accompanied by such parent,
103 guardian or spouse.

104 Sec. 4. Section 53-344 of the general
105 statutes is repealed and the following is
106 substituted in lieu thereof:

107 (a) Any person who sells, gives or delivers
108 to any minor under eighteen years of age tobacco,
109 unless the minor is delivering or accepting
110 delivery in his capacity as an employee, in any
111 form shall be fined not more than two hundred
112 dollars for the first offense, three hundred fifty
113 dollars for a second offense within an
114 eighteen-month period and not more than five
115 hundred dollars for each subsequent offense within
116 an eighteen-month period.

117 (b) ANY PERSON WHO VIOLATES SUBSECTION (a) OF
118 THIS SECTION IN OR ON, OR WITHIN ONE THOUSAND FIVE
119 HUNDRED FEET OF, THE REAL PROPERTY COMPRISING A
120 PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL,
121 A LICENSED CHILD DAY CARE CENTER, AS DEFINED IN
122 SECTION 19a-77, THAT IS IDENTIFIED AS A CHILD DAY
123 CARE CENTER BY A SIGN POSTED IN A CONSPICUOUS
124 PLACE OR A YOUTH OR TEEN CENTER THAT IS IDENTIFIED
125 AS A YOUTH OR TEEN CENTER BY A SIGN POSTED IN A
126 CONSPICUOUS PLACE SHALL BE FINED NOT MORE THAN ONE
127 THOUSAND DOLLARS.

128 [(b)] (c) Any person less than eighteen years
129 of age who purchases or misrepresents his age to
130 purchase tobacco in any form shall be fined not
131 more than fifty dollars for the first offense and
132 not less than fifty dollars nor more than one
133 hundred dollars for each subsequent offense.

134 JUD COMMITTEE VOTE: YEA 38 NAY 0 JF

21a-27a(b)	0	0	0
21a-279(d)	0	0	10
30-86	16	4,748	0
53-344	12	1,880	0

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OLR BILL ANALYSIS

HB 5699

AN ACT CONCERNING THE ILLEGAL SALE OR POSSESSION OF DRUGS, ALCOHOL AND CIGARETTES NEAR YOUTH OR TEEN CENTERS

SUMMARY: This bill imposes a mandatory minimum prison sentence on anyone convicted of manufacturing, distributing, selling, prescribing, offering, transporting, possessing with intent to sell, or simply possessing illegal drugs at or near a youth or teen center.

It also increases the maximum penalty for (1) delivering or giving liquor or (2) selling, giving, or delivering tobacco to a minor at or near an elementary or secondary school, licensed day care center, or youth or teen center.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Illegal Drugs At or Near a Teen or Youth Center**

The bill imposes a three-year mandatory minimum prison sentence on anyone convicted of manufacturing, giving, selling, prescribing, compounding, offering, or transporting or possessing with intent to sell or dispense illegal drugs in, on, or within 1,500 feet of a youth or teen center. It imposes a two-year mandatory minimum prison sentence on anyone convicted of possessing illegal drugs within the same distance of the center.

The mandatory sentences cannot be suspended and they run consecutively with any sentence imposed for the underlying drug offense. For the mandatory penalties to apply, the bill requires the teen or youth center to be

identified by a sign posted in a conspicuous place.

Current law already imposes these penalties on people who commits these crimes in, on, or within 1,500 feet of an elementary or secondary school or licensed day care center. People convicted of drug offenses, other than simple possession, are also subjected to the mandatory minimum if the crime is committed on or near a public housing project.

Alcohol or Tobacco On or Near Schools or Day Care or Youth Centers

The bill increases the maximum penalty for (1) delivering or giving alcoholic liquor or (2) selling or giving tobacco to a minor in, on, or within 1,500 feet of an elementary or secondary school, a day care center licensed to care for more than 12 children, or a youth or teen center. The penalty for the former is up to two years imprisonment, a \$2,000 fine, or both. The penalty for the latter is up to a \$1,000 fine. As with existing laws on the delivery of tobacco, the tobacco penalty does not apply if the minor is employed to accept or deliver the product. The child day care center and the youth or teen center must post signs identifying their function in a conspicuous place.

By law, people who give or deliver alcohol to minors in other locations are subject to up to 18 months in prison, a \$1,500 fine, or both. The penalty for selling or giving tobacco in other locations is up to \$200 for a first offense, \$350 for a second offense within 18 months, and up to \$500 for each subsequent offense within 18 months.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 38 Nay 0