

HCS HB 180 -- POSSESSION OF INTOXICATING LIQUOR BY MINORS

SPONSOR: Cookson

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 10 to 2. Voted "Do Pass with HCS" by a vote of 6 to 1.

This bill specifies that the provisions regarding the sale of intoxicating liquor to a minor and the permitted drinking or possession of intoxicating liquor to a minor are to be known as Austin's Law.

The bill changes the penalty for a person who knowingly allows a minor to drink or possess intoxicating liquor who is not the minor's parent or guardian from a class B misdemeanor to a class D felony for an offense committed before January 1, 2017, and a class E felony for an offense committed on or after January 1, 2017. The penalty for any subsequent violation is changed from a class A misdemeanor to a class C felony for an offense committed before January 1, 2017, and a class D felony for any subsequent violation committed on or after January 1, 2017. If an individual under the age of 21 injures or kills another person while intoxicated, the penalty is a class B felony. The bill exempts any business licensed to sell alcohol and his or her employee from the class B felony provisions of the bill.

PROPONENTS: Supporters say that many minors consume alcohol and then partake in dangerous activities, sometimes leading to death or serious physical injury. This bill will harshly punish any person who supplies alcohol to minors. By making the penalty harsh, people will be deterred from providing minors with alcohol.

Testifying for the bill were Representative Cookson and Nancy Elliott.

OPPONENTS: Those who oppose the bill say that the bill's penalties are too harsh. Moreover, while there have been several tragic and high profile events involving minors being killed due to alcohol, the vast majority of people who will be prosecuted as felons under the bill's provisions are parents who allow their children to drink in the home and do not let them drive.

Testifying against the bill was Mary Ann McGivern.