Model Legislation
Public Safety and Elections
Underage Drinking House Parties Act

Summary
This legislation holds adults responsible for underage drinking house parties by establishing penalties for any adult who either makes alcohol available to persons under the age of 21 or who allows persons under the age of 21 to consume alcohol on the premises of property under the adult’s control.

Model Legislation
Section 1. {Title.}
This Act shall be known and may be cited as the Underage Drinking House Parties Act.

Section 2. {Providing alcoholic beverages to person under 21; allowing consumption by minor on property; mandatory minimum penalties.}

(A) No one other than the person’s parent, guardian or spouse shall knowingly sell, give or otherwise make available any alcoholic liquor to a person under the age of 21 years. A person violates this subsection who sells, gives or otherwise makes available alcoholic beverage to a person with the knowledge that the person to whom the alcoholic beverage is made available will violate this subsection.

(B) No person who exercises control over private real property may knowingly allow any other person under the age of 21 years who is not a child or minor ward of the person to consume alcoholic beverage on the property, or allow any other person under the age of 21 years who is not a child or minor ward of the person to remain on the property if the person under the age of 21 years consumes alcoholic beverage on the property. The prohibitions of this subsection apply only to a person who is present and in control of the location at the time the consumption occurs. The prohibitions of this subsection do not apply to the owner of rental property, or the agent of an owner of rental property, unless the consumption occurs in the individual unit in which the owner or agent resides.

(C) A person who violates subsection (A) of this section commits a Class A misdemeanor. Upon violation of subsection (A) of this section, the court shall impose at least a mandatory minimum sentence as follows:

(1) Upon a first conviction, a fine of $350.

(2) Upon a second conviction, a fine of $1,000.

(3) Upon a third or subsequent conviction, a fine of $1,000 and not less than 30 days of imprisonment.

(D) The court shall not waive or suspend imposition or execution of the mandatory minimum sentence required by subsection (C) of this section. In addition to the mandatory sentence the court may require the violator to make restitution for any
mandatory sentence the court may require the violator to make restitution for any damages to property where the alcoholic beverage was illegally consumed or may require participation in volunteer service to a community service agency.

(E) The mandatory minimum penalty provisions of subsection (C) of this section shall not apply to persons licensed or appointed to manufacture, transport or sell alcohol under state law.

(F) A person who violates subsection (B) of this section commits a violation. Upon violation of subsection (B) of this section, the court shall impose at least a mandatory minimum fine as follows:

1. Upon a first conviction, a fine of $350.
2. Upon a second or subsequent conviction, a fine of $1,000.

(G) This section shall not apply to any religious practice, observance, or ceremony.

Section 3. {Severability clause.}

Section 4. {Repealer clause.}

Section 5. {Effective date.}

Adopted by the Public Safety and Elections Task Force
May 1, 2009.

Approved by the American Legislative Exchange Council’s Board of Directors
June 6, 2009.