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Senate Bill 153 (as reported without amendment)
Sponsor: Senator Frederick Dillingham
Committee: Judiciary

Date Completed: 5-2-89

RATIONALE

Many Michigan communities reportedly have experienced problems with youths imbibing alcohol and using controlled substances at parties and other social gatherings. Often, many people claim, the alcohol and/or drugs are allowed, or even supplied, by the owner or tenant hosting the party. Several communities have enacted ordinances making those who knowingly allow minors to consume alcohol or controlled substances at such gatherings criminally liable for their actions. Reportedly, such measures have reduced the incidence of minors consuming alcohol at social gatherings within the community, but some claim that the location of a party simply is moved outside the city limits. To discourage this permissive party activity, some people feel that a State law should be enacted to impose criminal liability on those who allow minors to consume alcohol or drugs.

CONTENT

The bill would amend the Michigan Penal Code to provide that a person would be guilty of a misdemeanor if the person had control over a premises, residence, or other real property and knowingly allowed a minor who was unaccompanied by a parent or legal guardian to consume or possess an alcoholic beverage at a "social gathering" (i.e., an assembly of two or more people who were not members of the same household) on that property or knowingly allowed any individual to possess or consume a controlled substance on the property. The misdemeanor would be punishable by imprisonment for up to 90 days, a maximum fine of \$500, or both. The bill would not apply

to the use, consumption, or possession of a legally prescribed controlled substance, an alcoholic beverage used for religious purposes, or an alcoholic beverage or controlled substance by a minor who was accompanied by a parent or legal guardian.

The bill would apply to any social gathering at a meeting hall or room, conference room, park, house, apartment, condominium, mobile home, cottage, cabin, trailer, tent, motel or hotel unit, or bed and breakfast unit.

Proposed MCL 750.141a

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. Enforcement costs would depend on the number of violations.

ARGUMENTS**Supporting Argument**

Alcohol and drug use by minors is a major problem in today's society and one aspect of the problem is the free access to those substances at so-called "open house" parties. Several communities in Michigan have led the battle against the permissive use of alcohol by minors by enacting ordinances that make it a criminal act to allow minors to consume drugs or alcohol at such gatherings. The ordinances have been very effective in stemming the tide of alcohol- and drug-related accidents and injuries within those communities, but people reportedly have evaded the law by moving the

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parties to other locales. In order to combat this circumvention of the law, a similar State law should be passed. The bill would send a message that allowing minors to use drugs and alcohol will not be tolerated in this State.

Supporting Argument

According to some high school students, drinking by minors is quite common, and, all too often, the alcohol is supplied by adults. Passage of the bill would be a positive step in battling the attitude that drug and alcohol abuse by minors is okay. The bill would relieve peer pressure on minors to partake in drug and alcohol use and the threat of criminal retribution would give parents and other adults the courage to say no when confronted with a situation in which minors might find drinking acceptable.

Opposing Argument

The bill generally is a good proposal, but it could go further to deter the provision of drugs and alcohol to minors. The bill would subject the owner or tenant of property where a violation occurred to criminal sanctions, but would provide no penalty for the minors in attendance. Some type of education and counseling program should be required of both violators of the act and minors whom the owner or tenant allowed to use alcohol or drugs. Also, some people claim that these open house parties often are hosted by minors when parents are away from home. Parents who didn't take steps to prevent minors from having access to alcohol should be subject to penalty as well. In addition, there should be increased penalties for subsequent violations of the bill and exposure to civil liability should be enhanced. These measures would provide for a greater deterrent and more meaningful penalties for violations of the bill.

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