

SENATE BILL No. 153

February 16, 1989, Introduced by Senators DILLINGHAM, BARCIA, CROPSEY, WELBORN, CARL, CHERRY, SEDERBURG, DI NELLO, GEAKE, ARTHURHULTZ, BINSFELD, FAXON, V. SMITH, J. HART, GEO. HART, EHLERS, CRUCE, POSTHUMUS, O'BRIEN, N. SMITH, SCHWARZ, SHINKLE and FREDRICKS and referred to the Committee on Criminal Justice and Urban Affairs.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 141a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 141a to read as follows:

4 SEC. 141A. (1) AS USED IN THIS SECTION:

5 (A) "ALCOHOLIC BEVERAGE" MEANS AN ALCOHOLIC LIQUOR AS
6 DEFINED IN SECTION 2 OF THE MICHIGAN LIQUOR CONTROL ACT, ACT
7 NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING
8 SECTION 436.2 OF THE MICHIGAN COMPILED LAWS.

1 (B) "CONTROL OVER ANY PREMISES, RESIDENCE, OR OTHER REAL
2 PROPERTY" MEANS THE AUTHORITY TO REGULATE, DIRECT, RESTRAIN,
3 SUPERINTEND, CONTROL, OR GOVERN THE CONDUCT OF OTHER INDIVIDUALS
4 ON THAT PREMISES, RESIDENCE, OR OTHER REAL PROPERTY, AND INCLUDES
5 A POSSESSORY RIGHT.

6 (C) "CONTROLLED SUBSTANCE" MEANS A CONTROLLED SUBSTANCE AS
7 DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF
8 THE PUBLIC ACTS OF 1978, BEING SECTION 333.7104 OF THE MICHIGAN
9 COMPILED LAWS.

10 (D) "MINOR" MEANS AN INDIVIDUAL UNDER 21 YEARS OF AGE.

11 (E) "PREMISES" MEANS A PERMANENT OR TEMPORARY PLACE OF
12 ASSEMBLY, OTHER THAN A RESIDENCE, INCLUDING, BUT NOT LIMITED TO,
13 ANY OF THE FOLLOWING:

14 (i) A MEETING HALL, MEETING ROOM, OR CONFERENCE ROOM.

15 (ii) A PUBLIC OR PRIVATE PARK.

16 (F) "RESIDENCE" MEANS A PERMANENT OR TEMPORARY PLACE OF
17 DWELLING, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

18 (i) A HOUSE, APARTMENT, CONDOMINIUM, OR MOBILE HOME.

19 (ii) A COTTAGE, CABIN, TRAILER, OR TENT.

20 (iii) A MOTEL UNIT, HOTEL UNIT, OR BED AND BREAKFAST UNIT.

21 (G) "SOCIAL GATHERING" MEANS AN ASSEMBLY OF 2 OR MORE INDI-
22 VIDUALS FOR ANY PURPOSE, UNLESS ALL OF THE INDIVIDUALS ATTENDING
23 THE ASSEMBLY ARE MEMBERS OF THE SAME HOUSEHOLD.

24 (2) AN OWNER, PERSON, OR TENANT HAVING CONTROL OVER ANY
25 PREMISES, RESIDENCE, OR OTHER REAL PROPERTY WHO KNOWINGLY ALLOWS
26 A MINOR WHO IS UNACCOMPANIED BY EITHER A PARENT OR LEGAL GUARDIAN
27 TO CONSUME OR POSSESS AN ALCOHOLIC BEVERAGE AT A SOCIAL GATHERING

1 ON THAT PREMISES, RESIDENCE, OR OTHER REAL PROPERTY, OR WHO
2 KNOWINGLY ALLOWS ANY INDIVIDUAL TO CONSUME OR POSSESS A CON-
3 TROLLED SUBSTANCE AT A SOCIAL GATHERING ON THAT PREMISES, RESI-
4 DENCE, OR OTHER REAL PROPERTY, IS GUILTY OF A MISDEMEANOR, PUN-
5 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BY A FINE OF
6 NOT MORE THAN \$500.00, OR BOTH.

7 (3) THIS SECTION DOES NOT APPLY TO THE USE, CONSUMPTION, OR
8 POSSESSION OF AN ALCOHOLIC BEVERAGE OR CONTROLLED SUBSTANCE BY A
9 MINOR ACCOMPANIED BY EITHER A PARENT OR LEGAL GUARDIAN, OR TO THE
10 USE, CONSUMPTION, OR POSSESSION OF A CONTROLLED SUBSTANCE BY AN
11 INDIVIDUAL PURSUANT TO A LAWFUL PRESCRIPTION, OR TO THE USE, CON-
12 SUMPTION, OR POSSESSION OF AN ALCOHOLIC BEVERAGE BY A MINOR FOR
13 RELIGIOUS PURPOSES.