

HCS SS SB 402 -- ALCOHOL-RELATED PROBLEMS OF MINORS

SPONSOR: Gibbons (Johnson, 47)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 16 to 0.

This substitute changes the laws regarding underage drinking. In its main provisions, the substitute:

- (1) Specifies that every school district will develop a policy by June 30, 2006, detailing the consequences for a student at school if the student is found to be in possession or drinking alcohol on school property or while participating in extracurricular activities (Section 160.069, RSMo);
- (2) Makes it a class B misdemeanor for owners or renters to permit underage drinking on their property; however, this does not apply to parents or guardians. Legal defenses to prosecution under this section are specified (Section 311.310);
- (3) Adds visible intoxication and detectable blood-alcohol content to the grounds for finding a minor guilty of the purchase or possession of alcohol (Section 311.325);
- (4) Allows a minor who has pleaded to or been found guilty of purchasing or possessing alcohol to have all records of the violation expunged from his or her record after one year or upon reaching the age of 21 provided that he or she has no other alcohol-related conviction or enforcement contact. Only one expungement is allowed (Section 311.326);
- (5) Prohibits the Supervisor of the Division of Alcohol and Tobacco Control from using minors to enforce the liquor laws unless permissive standards are established that require the minor:
 - (a) To be 18 or 19 years of age;
 - (b) To have a youthful appearance, excluding facial hair or a receding hairline;
 - (c) To carry correct identification and to produce it upon request; and
 - (d) To truthfully answer questions about his or her age.

The supervisor can neither participate in any investigation nor discipline any licensed establishment when any law enforcement agency chooses not to follow the permissive standards. Minors used in investigations are exempt from violations of Chapter 311 (Liquor Control Law) and Chapter 312 (Nonintoxicating Beer) when under the control of a law enforcement agency (Section 311.722);

(6) Specifies that any person who obtains, transfers, or uses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a minor for the purpose of purchasing or obtaining alcohol is guilty of a class A misdemeanor (Section 570.223); and

(7) Specifies that a person who was over 15 years of age but less than 21 when he or she committed a violation of the purchase or possession by a minor's law will have his or her driving privileges suspended or revoked, including temporary permits and intermediate licenses. Suspension for a first offense will be 30 days, a second offense will be 90 days, and a third or subsequent offense will be one year (Section 577.500).

FISCAL NOTE: Estimated Cost on General Revenue Fund of Could exceed \$104,667 in FY 2006, Could exceed \$105,600 in FY 2007, and Could exceed \$105,600 in FY 2008. Estimated Income on Other State Funds of 84,825 in FY 2006, \$101,790 in FY 2007, and \$101,790 in FY 2008.

PROPOSERS: Supporters say that the bill will be another step to protect children, strengthen the underage drinking laws, and bring accountability to those who provide alcohol to minors

Testifying for the bill were Senator Gibbons; Cole County Prosecuting Attorney; Cole County Sheriff's Office; Mothers Against Drunk Driving Missouri; Youth in Action; Jasper County Sheriff's Office; Missouri Retailers Association; Missouri Grocers' Association; Missouri Family Network; Missouri Baptist Convention; Missouri's Youth/Adult Alliance; Partners in Prevention; Missouri Association of Beverage Retailers; and Missouri Petroleum Marketers and Convenience Store Association.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say schools already have drug and alcohol policies in place making statutorily mandated policies duplicative.

Others testifying on the bill was Missouri Association of Secondary School Principals.

Julie Jinkens McNitt, Legislative Analyst