



Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

## REPORT MINOR'S DRINKING

### House Bill 4136 (Substitute H-2) First Analysis (2-2-95)

Sponsor: Rep. Jim McBryde  
Committee: Judiciary and Civil Rights

#### ***THE APPARENT PROBLEM:***

When an underage drinker is stopped by police, a common practice is to confiscate the alcohol and write the youth a ticket. And, although the juvenile code (MCL 712A.14) requires police to immediately notify parents when a juvenile (that is, someone under age 17) is taken into custody for violating any law or ordinance, it does not require parents to be called when the juvenile is not so detained. Thus, there is no specific requirement to call parents when a minor is caught drinking, unless that minor is under 17 years old and police take him or her into custody. While many officers undoubtedly do follow up a drinking citation with a phone call to the minor's home, many believe that the law should require parental notification.

In addition, many perceive the existing civil fines for underage drinking to be inadequate, and suggest that they be increased.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Liquor Control Act to require a law enforcement agency to contact the parent(s), guardian, or custodian of an unemancipated minor who illegally purchased, consumed, or possessed an alcoholic beverage. The notification would include mention of the civil fine that applied (the fine varies according to the number of prior offenses), and would have to be made within 48 hours after law enforcement determined that the offender was less than 18 years old and not emancipated. If police could not notify parents within 48 hours, they would have to make a diligent effort to notify them as soon as possible. Notification could be in person, by telephone, or by first-class mail.

In addition, the bill would increase the civil fines that apply to underage purchase, possession, or consumption (on licensed premises) of an alcoholic beverage. Fines would be increased as follows: for

a first offense, from \$25 to \$100; for a second offense, from \$50 to \$150; for a third or subsequent offense, from \$100 to \$200.

MCL 436.33b

#### ***FISCAL IMPLICATIONS:***

There is no fiscal information on the substitute at this time. (1-30-95)

#### ***ARGUMENTS:***

##### ***For:***

The bill would impress upon both parents and children the seriousness of underage drinking. Ensuring that police notified parents of a young person's offense would give parents and custodians the opportunity to deal effectively at home with what may be a budding alcohol abuse problem. Hiking fines would ensure that all involved understood that underage drinking is believed to be an offense with which to be concerned, not a minor infraction to be minimized or condoned.

##### ***Against:***

The bill assumes that involving parents or custodians is always a good thing. Unfortunately, some family situations are such that simply to notify parents would exacerbate problems and spark an episode of family violence.

##### ***Against:***

The bill may have little effect. With regard to parental notification, police officers would still have the discretion perhaps to lecture an underage drinker without calling his or her parents; there arguably would be no formal "determination" that would trigger the parental notification requirement unless a ticket had been written. With regard to the proposed fines, increases are likely to burden

House Bill 4136 (2-2-95)

parents more than the offenders, as it would probably be the parents who paid them. A better alternative might be to require some sort of community service of the young offender.

***Response:***

The sad fact is that many parents pay the fines and shoulder the burdens of even their adult children, and there is little the law can do about this. With regard to fines, the law should concern itself with fitting the penalty to the offense.

***Against:***

The bill could increase burdens for already overworked police agencies. Harried officers could find themselves overlooking underage drinking rather than having to undertake the additional work of locating and notifying parents or custodians.

***POSITIONS:***

The Prosecuting Attorneys Association of Michigan supports the bill. (2-1-95)

A representative of the Michigan Interfaith Council on Alcohol Problems (MICAP) testified in support of the bill. (2-1-95)