



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4136 (Substitute S-2 as reported)
Sponsor: Representative Jim McBryde
House Committee: Judiciary and Civil Rights
Senate Committee: Judiciary

Date Completed: 6-7-95

RATIONALE

When a minor is cited by police for an alcohol possession, consumption, or purchase violation, a common practice reportedly is to confiscate the alcohol and write the youth a ticket. Although the juvenile code requires that police immediately attempt to notify parents when a juvenile (i.e., someone under 17 years of age) is taken into custody for violating any law or ordinance, it does not require parental notification when a juvenile is not detained. Thus, there is no specific requirement to call parents when a minor is cited for an alcohol-related violation unless that minor is under 17 and police take him or her into custody. While many officers undoubtedly do follow up an alcohol offense citation with a phone call to the minor's home, some people believe that the law should require parental notification.

CONTENT

The bill would amend the Michigan Liquor Control Act to require a law enforcement agency to notify the parent or parents, custodian, or guardian of a person under 18 years of age who was cited for consuming or possessing alcohol.

If a law enforcement agency determined that a person cited for possessing or consuming alcohol was less than 18, the agency would have to notify the minor's parent or parents, custodian, or guardian of the violation and applicable civil fine. The agency would have to give the notice within 48 hours after it determined that the person was under 18. The notice could be made in person, by telephone, or by first-class mail.

The bill's notification requirements would not apply if the law enforcement agency had reasonable grounds to believe that the minor was legally emancipated.

The bill would take effect on October 1, 1995.

MCL 436.33b

SENATE COMMITTEE ACTION

The Senate Judiciary Committee adopted a substitute (S-2) to the bill that omits many of the provisions in the House-passed version of the bill. As passed by the House, the bill included a parental notification provision similar to that in the Senate substitute, but also would have done all of the following:

- Prohibited sanctions against a liquor licensee for selling or furnishing alcohol to a person under 21 unless enforcement action also were taken against that person.
- Established penalties for a person who was not a liquor licensee and who furnished alcohol to a person under 21.
- Required the Liquor Control Commission (LCC) to report annually to the Department of State Police on actions heard by the LCC involving violations for selling or furnishing alcohol to a minor.
- Specified that consumption of alcohol by a person under 21, regardless of whether the alcohol was consumed in a licensed premises, would be prohibited; that an attempt by a person under 21 to purchase, consume, or possess alcohol would be prohibited; and that minors' purchase, consumption, and possession violations would be civil infractions.
- Revised the sanctions for minors' purchase, consumption, and possession violations, including requiring driver's license suspensions.

- Authorized a peace officer to require a person under 21 to submit to a preliminary chemical breath analysis under certain circumstances.
- Specified exemptions from the Act's prohibition against a minor's purchase, consumption, and/or possession of alcohol.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would help to 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 the opportunity to deal effectively at home with what could be a budding drinking problem.

Response: The bill assumes that involving parents or custodians is always a good thing. Unfortunately, in some family situations, notifying parents would exacerbate problems that already exist in the home.

Opposing Argument

The bill could have little effect. Police officers still would have the discretion to give a warning to an underage drinker without issuing a citation. Requiring officers to notify parents whenever they issued a ticket to a minor for an alcohol-related offense could increase demands on their time. Overworked officers might then overlook those violations and more frequently exercise their discretion not to issue a citation, rather than having to undertake the additional task of locating and notifying parents.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would result in additional administrative costs to local law enforcement agencies regarding notification of parents, custodians, or guardians of those under 18 accused of consuming, possessing, or purchasing alcohol, or attempting to do the same.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.