



**House
Legislative
Analysis
Section**

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

REPORT MINOR'S DRINKING

**House Bill 4337 with committee
amendments
First Analysis (10-13-93)**

**Sponsor: Rep. Jim McBryde
Committee: Judiciary**

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 require parents to be called 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 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 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 at present. (10-13-93)

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 to perhaps 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 parents more than the offenders, as it would probably be the parents who paid them. A better

House Bill 4337 (10-13-93)

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.

Against:

The law forbids underage purchase, consumption in licensed premises, or possession of alcoholic beverage, but the bill only requires parental notification for a consumption or possession offense. Although possession arguably would include purchase, since someone who purchased alcohol could be said to possess it, it is not clear why the bill should not follow the pattern of existing law and include purchase offenses.

POSITIONS:

The Department of State Police does not oppose the bill. (10-12-93)

The Michigan Association of Chiefs of Police is reviewing the bill, and has no formal position at this time. (10-12-93)