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**COMMENTS ON 10-H 7478,
AN ACT RELATING TO ALCOHOLIC BEVERAGES
March 10, 2010**

The RI ACLU opposes this bill. Although we appreciate the intent behind the bill, we believe it would be a mistake to turn misguided teens into criminals, which is this legislation's ultimate impact.

As the law presently exists, it is a crime for a person *over the age of 21* to either purchase or furnish alcohol to a person under the age of 21, or to permit the consumption of alcohol on his or her property by such a person. Under the proposed bill, any person *under* the age of 21 who gives liquor to another person under the age of 21, or permits liquor to be consumed on their property by such a person, is now guilty of a crime. This is a significant change in the law and one we consider to be quite unfair and draconian.

The incidents we are aware of that first prompted concerns about the need to tighten the language of 3-8-11.1 have involved adults over the age of 21 who have inappropriately allowed teens to drink and have parties on their property, or who have purchased alcohol for younger people. Such conduct deserves punishment. However, the current law also appropriately recognizes that these harsh penalties should not apply to the misguided 19 year old or 17 year old who gives alcohol to another person their own age, much less solely for *allowing* another teen to drink on their property. After all, the whole point of the alcohol statutes in every other respect is to treat those over the age of 21 differently from those under 21.

It is important to consider the consequences of this bill:

- A person under the age of 21 who purchases or drinks alcohol at a retail establishment would still only face a fine of up to \$500.
- A person under the age of 21 who possesses alcohol would still only face a fine of up to \$750.
- A *store owner* who sells alcohol to a person under the age of 21 would still only face a fine of \$250.

Yet, a person under the age of 21 who simply permits another person under the age of 21 to drink alcohol on his or her property faces six months in prison and a criminal record.

Although the bill amends the exemptions in the law, it makes them more restrictive too. For example, a parent or guardian's authorization for a child to drink alcohol would now be limited to conduct in the parent's home. Theoretically, a parent who allows an underage son or daughter to drink at a sibling's wedding would be culpable under the law. For these reasons, the ACLU opposes the legislation.