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# SENATE BILL No. 188

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-5-7-8.5.

**Synopsis:** Social host liability. Requires a person at least 21 years of age who knows that a minor is in possession of an alcoholic beverage on the person's property to: (1) prohibit the minor from possessing the alcoholic beverage; (2) confiscate the alcoholic beverage; and (3) immediately contact the minor's parent, guardian, or custodian; unless the alcoholic beverage is possessed in connection with a religious observation, in the presence of the minor's parent, or at a postsecondary educational institution. Makes a violation a Class C infraction, or a Class B infraction if the person knows that at least six minors possess an alcoholic beverage on the person's property or if the person has been adjudged to have committed a prior violation. Provides that a person may be charged with a violation not more than one time per day. Specifies that a judgment for a violation is in addition to any criminal penalty that may be imposed for contributing to the delinquency of a minor. (The introduced version of this bill was prepared by the commission on mental health and addiction.)

**Effective:** July 1, 2013.

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### Miller Pete

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January 7, 2013, read first time and referred to Committee on Corrections & Criminal Law.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 188



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1           SECTION 1. IC 7.1-5-7-8.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 8.5. (a) This section does not apply to a minor who**  
4 **consumes an alcoholic beverage:**  
5           **(1) in connection with a religious observation;**  
6           **(2) in the presence of the minor's parent, guardian, or**  
7           **custodian; or**  
8           **(3) at a postsecondary educational institution.**  
9           **(b) A person at least twenty-one (21) years of age who knows**  
10 **that a minor is in possession of an alcoholic beverage on property**  
11 **owned, leased, or controlled by the person shall:**  
12           **(1) prohibit the minor from possessing an alcoholic beverage**  
13 **on the person's property;**  
14           **(2) confiscate the alcoholic beverage, if this can be done**  
15 **without breaching the peace; and**  
16           **(3) immediately contact the minor's parent, guardian, or**  
17 **custodian, if possible.**



1           (c) A person who violates subsection (b) commits a Class C  
2           **infraction. However, the violation is a Class B infraction if:**  
3               (1) the person knows that at least six (6) minors are in  
4               **possession of an alcoholic beverage on the person's property;**  
5               **or**  
6               (2) the person has a prior unrelated judgment for a violation  
7               **of this section.**  
8           (d) A person may be charged with a violation of this section not  
9           **more than one (1) time per day.**  
10          (e) A judgment imposed for a violation of this section is in  
11          **addition to any criminal penalty that may be imposed for**  
12          **contributing to the delinquency of a minor (IC 35-46-1-8).**

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