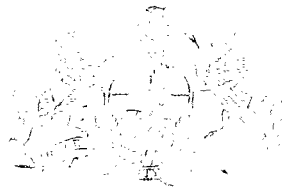


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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

CHAIRMAN, HEALTH & HUMAN
SERVICES COMMITTEE

POLICY COMMITTEE

CAUCUSES
FIREFIGHTERS & EMERGENCY SERVICES
LOCAL TAX REFORM
RURAL HEALTH CARE
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APPOINTMENTS
STATE SYSTEM OF HIGHER EDUCATION
BOARD OF GOVERNORS
PA HEALTH CARE COST CONTAINMENT
COUNCIL ACT - REVIEW COMMITTEE
CAPITOL PRESERVATION COMMITTEE

MEMORANDUM

TO: ALL HOUSE MEMBERS

FROM: REP. MATT BAKER

DATE: 1-11-11

RE: REINTRODUCTION OF FORMER HB 824—OFFENSE OF
FURNISHING ALCOHOL TO MINORS -Amending Title 18
(Crime & Punishment) & Title 75 (Vehicles) of the PA
Consolidated Statutes

In the near future, I am planning to re-introduce legislation (former HB 824) which will amend sections 6310.1 selling or furnishing liquor or malt or brewed beverages to minors and 6310.4(a) restriction of operating privileges of the Crimes Code (Title 18) and Section 1532(d) suspension of operating privilege of the Vehicle Code (Title 75). I was contacted Bradford County District Attorney Daniel J. Barrett requesting a change to the penalties associated with the offense of furnishing alcohol to minors.

Under the statute as it is presently written, a person commits a misdemeanor of the third degree if he intentionally and knowingly sells, furnishes, or purchases with the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years of age. The penalty for a violation of this statute is up to 1 year imprisonment and a mandatory minimum fine of \$1,000 for a first violation and a mandatory minimum fine of \$2,500 for each subsequent violation. An individual who is charged with a violation of this section presently has the right to a jury trial. In addition, under the current statutory provision, there is no increased penalty for binge drinking situations nor does an individual who violates this section receive any sort of license suspension.

My legislation would change the grading of the offense to an ungraded misdemeanor punishable by up to six months imprisonment if the individual intentionally and knowingly sells, furnishes, or purchases with the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years of age unless (1) the amount of alcohol purchased or furnished was

sufficient for a high level of intoxication, (2) the alcohol was furnished to a group of more than three persons who are under the age of 21, (3) the furnishing of alcohol to a person under the age of 21 resulted in bodily injury, serious bodily injury, or death or (4) the individual has been previously convicted of furnishing alcohol to minors. If any one of these four conditions are met then the grading of the offense is increased to a misdemeanor of the second degree.

Additionally, the mandatory minimum fine would increase from a \$1,000 minimum fine for a first offense to a \$2,500 minimum fine for a violation of the general offense and from a \$2,500 fine for all subsequent offenses to a \$5,000 minimum fine for a violation of this section which meets any one of the four enumerated conditions.

My legislation would also add a period of license suspension for individuals convicted of furnishing alcohol to minors. A 90 day license suspension would be imposed for a first offense, a 1 year suspension ~~would~~ be imposed for a second offense, and a 2 year license suspension would be imposed for third and subsequent offenses.

This piece of legislation is similar to HB 197 which was introduced by Rep. Payne in a previous session (2007-2008). The main differences between this piece of legislation and HB 197 are that I have now included a component for license suspension and have incorporated penalties relating to binge drinking. HB 197 simply changed the grading of the misdemeanor from third degree to first degree and increased the minimum fines from \$1,000 to \$2,500 for a first offense and from \$2,500 to \$5,000 for subsequent offenses.

If you would like to join me in sponsoring this bill, please contact Gina Strine at 772-5769 or via email at Gstrinc@pahousegop.com

Thank you!

PREVIOUS COSPONSORS: BAKER, CREIGHTON, DONATUCCI, GOODMAN, GRUCELA, HARRIS, HESS, HICKERNELL, ONEILL, PAYNE, PETRI, PICKETT, SAYLOR, TRUE, VULAKOVICH, WATSON, YOUNGBLOOD