

HB419 INTRODUCED



1 HB419
2 C8V5QWJ-1
3 By Representative Ingram
4 RFD: Judiciary
5 First Read: 04-Apr-24



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SYNOPSIS:

Under existing law, an adult who has control of a residence and who has authorized an open house party at the residence and is in attendance at the party is prohibited from allowing the party to continue if the adult knows that alcoholic beverages or illegal drugs are being illegally consumed by persons under 21 years of age.

This bill would delete the requirement that the adult in control of the residence be in attendance at the party and would provide that a law enforcement officer, upon a call to the residence, may enter the premises based on a reasonable suspicion of a violation of law.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-11-10.1 of the Code of Alabama 1975, prohibiting an adult having control of a residence who authorizes an open house party at the residence from allowing an open house party to continue under certain conditions when illegal possession or



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29 consumption of alcohol or a controlled substance is taking
30 place by persons under 21 years of age; to delete the
31 requirement that the adult be in attendance at the party; and
32 to authorize a law enforcement officer, on a call to the
33 residence, to enter the premises if the officer has a
34 reasonable suspicion of a violation of this section.

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

36 Section 1. Section 13A-11-10.1 of the Code of Alabama
37 1975, is amended to read as follows:

38 "§13A-11-10.1

39 (a) As used in this section, the following words have
40 the following meanings:

41 (1) ADULT. A person who, pursuant to state law, may
42 possess alcoholic beverages.

43 (2) ADULT HAVING CONTROL OF A RESIDENCE. An adult who
44 has sanctioned an open house party ~~and who is in attendance.~~

45 (3) ALCOHOLIC BEVERAGE. The meaning ascribed in Section
46 28-3-1.

47 (4) CONTROLLED SUBSTANCE. The meaning ascribed in
48 Section 20-2-2.

49 (5) OPEN HOUSE PARTY. A social gathering at a
50 residence.

51 (6) REASONABLE ACTION. The act of ejecting a person
52 from a residence or requesting law enforcement officials to
53 eject a person from a residence.

54 (7) RESIDENCE. A home, apartment, condominium, country
55 club, motel, hotel, or any other unit designed for dwelling.

56 (b) No adult having control of any residence, who has



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57 authorized an open house party at the residence ~~and is in~~
58 ~~attendance at the party,~~ shall allow the open house party to
59 continue if all of the following occur:

60 (1) Alcoholic beverages or controlled substances are
61 illegally possessed or illegally consumed at the residence by
62 a person under the age of 21.

63 (2) The adult knows that an alcoholic beverage or a
64 controlled substance is in the illegal possession of or is
65 being illegally consumed by a person under the age of 21 at
66 the residence.

67 (3) The adult fails to take reasonable action to
68 prevent illegal possession or illegal consumption of the
69 alcoholic beverage or controlled substance.

70 (c) Any adult who violates this section shall be guilty
71 of a Class B misdemeanor.

72 (d) A law enforcement officer, on a call to the
73 residence, having a reasonable suspicion that this section is
74 being violated may enter the premises to determine if probable
75 cause exists to charge the adult in control of the residence
76 with a violation of this section or another person with a
77 violation of law."

78 Section 2. This act shall become effective on October
79 1, 2024.