

HB419 INTRODUCED



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



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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-11-10.1

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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