

1 HB108  
2 172846-1  
3 By Representative Davis  
4 RFD: Judiciary  
5 First Read: 03-FEB-16

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8 SYNOPSIS: Under existing law, an adult having control  
9 of a residence who allows an open house party to  
10 continue when alcoholic beverages or controlled  
11 substances are consumed by persons under the age of  
12 21 is guilty of a Class B misdemeanor.

13 This bill would increase the penalty to a  
14 Class C felony.

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

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9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

12  
13                  To amend Section 13A-11-10.1 of the Code of Alabama  
14                  1975, prohibiting an adult in control of a residence from  
15                  allowing an open house party where alcoholic beverages or  
16                  controlled substances are consumed by persons under the age of  
17                  21; to increase the penalty; and in connection therewith would  
18                  have as its purpose or effect the requirement of a new or  
19                  increased expenditure of local funds within the meaning of  
20                  Amendment 621 of the Constitution of Alabama of 1901, now  
21                  appearing as Section 111.05 of the Official Recompilation of  
22                  the Constitution of Alabama of 1901, as amended.

23                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26                  "§13A-11-10.1.

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

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

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

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

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

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

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

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

20           "(b) No adult having control of any residence, who  
21 has authorized an open house party at the residence and is ~~in~~  
22 ~~attendance~~ present at the ~~party~~ residence, shall allow the  
23 open house party to continue if all of the following occur:

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

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

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

8           "(c) Any adult who violates this section shall be  
9 guilty of a ~~Class B misdemeanor~~ Class C felony."

10           Section 2. Although this bill would have as its  
11 purpose or effect the requirement of a new or increased  
12 expenditure of local funds, the bill is excluded from further  
13 requirements and application under Amendment 621 because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

16           Section 3. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.