



**House Judiciary Reported Substitute for HB419**

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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 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



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29 has sanctioned an open house party ~~and who is in attendance.~~

30 (3) ALCOHOLIC BEVERAGE. The meaning ascribed in Section  
31 28-3-1.

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

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

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

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

41 Notwithstanding the foregoing, a residence shall not include a  
42 facility that is properly licensed or permitted by a  
43 governmental entity or that is occupied by an organization  
44 chartered by a college or university nor shall a residence  
45 include any building owned or occupied by a college or  
46 university.

47 (b) No adult having control of any residence, who has  
48 authorized an open house party at the residence ~~and is in~~  
49 ~~attendance at the party,~~ shall allow the open house party to  
50 continue if all of the following occur:

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

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



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57 the residence.

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

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

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

69 (e) This section shall not apply to the host of an  
70 event at a facility that is properly licensed or permitted by  
71 a governmental entity to host a party or to an adult serving  
72 as a facility manager or officer of an organization that is  
73 chartered by a college or university and that hosts events."

74 Section 2. This act shall become effective on October  
75 1, 2024.