

**COMMITTEE ON LEGISLATION
MINUTES: MARCH 31, 2008**

LEGISLATION

MEMBERS:

Chair: Burton; Legislators: Rogowsky, Harckham, Myers, Bronz, Jenkins, Maisano, Oros, Abinanti

IN ATTENDANCE:

CE: B. Randolph; **CA:** L. Cipollo, J. Adin, M. Gleeson; **BOL:** S. Bass, J. Sold, L. Goldstein, R. Deleon, R. Pezzullo, M. Amodio, K. Delgado, A. Maxey-Greene; **GUESTS:** J. Kapica, J. Buchbinder, J. Meney, E. Morehouse, J. Humbach, L. Farrell, C. Borgia, A. Joselon, L. Berns, D. Marder, C. Sears, V. Pinto, **PRESS:** M. Pellegrini (W.P. Times), G. Blain (J. News)

With a quorum present, the Committee on Legislation was called to order at 1:38 p.m. exciting

Receive and File

(Bronz, Jenkins) Move to receive and file items 19, 20, 26, 30, 32, 33, 34, 35 & 36. Motion approved 5-0.

Social Host Law

Chairman Bill Burton stated that the proposed Social Host Law deals with drinking parties permitted by adults to occur in the homes with children under the legal drinking age.

Legislator Jim Maisano who introduced the measure gave an overview of the bill. Nassau and Suffolk counties have passed this type of law and is being considered by other New York Suburban counties and the New York State Legislature. This bill is modeled after the Nassau law.

There are two loopholes in the current law. One is that parents who give alcohol to their own children can not be prosecuted unless they give it or sell it to a minor. Second is because an adult would not be liable if they purchased alcohol and left it out on the counter and their kid distributed it.

The first offence would be punished by a fine of \$250, second offence would be a \$500 fine, and the third is a fine of \$1000 plus possible jail time up to one year.

The legislation is intended to deal with parents who serve liquor to other people's children. Parents who want to have a glass of wine with their children at dinner would not be impacted.

Greenburgh Police Chief John Kapica stated he believes that when parents host parties they have a responsibility to make sure kids are safe. He recommends some amendments that are needed. The bill doesn't create a presumption that if the parents are home they knew what was going on. The responsibility then lies with the police to prove the parents had knowledge of what was going on. There needs to be a rebuttable presumption. Also, the chief is opposed to requiring children to leave the premise. It may put them in danger if they have been drinking.

There was discussion by committee members about how to enforce something based upon what people know. Some legislators maybe more interested in doing something with civil liability instead of criminal liability. Mr. Maisano said he will look into amending the definition of knowingly.

John Humbach spoke on behalf of the Hudson Valley Chapter of the New York Civil Liberties Union (NYCLU). Many of the problems that arise can be amply covered by current state law. They find this legislation to be preempted by New York State law and unnecessary. We need to protect the law abiding in their home. An amendment is needed to require a warrant to enter somebody's home. They strongly suggested a home protection provision.

Ellen Morehouse is the Executive Director of Student Assistance Services. They prefer to see penalties be a violation rather than a misdemeanor. There is a similar state bill which is a misdemeanor. Also, she prefers if the legislation was to prohibit anybody over the age of 21 rather than 18 to provide alcohol to minors.

Janet Buchbinder spoke on behalf of RADAR. Legislation is needed to change the behavior of people. Children are at risk and we need to work together to solve this. She does support a social host law which will get at the heart of the problem.

Carol Sears spoke on behalf of Mothers Against Drunk Driving (MADD). They support laws which protect civil liabilities but they believe people need

to be held responsible for holding parties if they are over 16. Young people should receive fines and parents should be held criminally responsible.

Mr. Gleeson from the County Attorney's office was asked to draft legislation with Legislator Maisano, and Mr. Bass. Chairman Burton said we will devote the next meeting to discuss whether or not to proceed with this legislation. If the committee wants to move forward we will then proceed and expect a new document in three or four weeks to review.

(Jenkins, Myers) move to adjourn the Committee on Legislation. Motion approved 9-0.

Committee on Legislation adjourned at 3:38 P.M.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST