

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Time: 9:15 AM
Date: 1-13-10

Bill No. 312-30 (COR)

Introduced by:

Ray Tenorio
J.T. Won Pat, Ed.D.
E.J.B. Calvo

AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 70 OF 9 GCA RELATIVE TO PENALTIES FOR THOSE CONVICTED OF FURNISHING ALCOHOL TO MINORS.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Article 4 is added to Chapter 70 of 9GCA to read as follows:

3 **Article 4**

4 **Underage Drinking House Parties Act**

5
6 **§70400. Legislative intent.** It is the intent of *I Liheslaturan Guåhan* to hold adults
7 responsible for underage drinking house parties by establishing penalties for any
8 adult who either makes alcohol available to persons under the age of eighteen (18)
9 or who allows persons under the age of eighteen (18) to consume alcohol on the
10 premises of property under the adult's control.

11
12 **§70401. Title.** This Article shall be known and may be cited as the *Underage*
13 *Drinking House Parties Act*.

14

1 **§70402. Providing alcoholic beverages to and a venue to consume alcoholic**
2 **beverages for person(s) under 18; allowing consumption by minor on**
3 **property; mandatory minimum penalties.**

4
5 (a) No one shall knowingly sell, give or otherwise make available any alcoholic
6 beverage to a person under the age of eighteen (18) years. A person violates this
7 subsection who sells, gives or otherwise makes available alcoholic beverage to a
8 person with the knowledge that the person to whom the alcoholic beverage is made
9 available will violate this subsection.

10
11 (b) No person who exercises control over private real property may knowingly
12 allow any other person under the age of eighteen (18) years who is not a child or
13 minor ward of the person to consume alcoholic beverage on the property, or allow
14 any other person under the age of eighteen (18) years who is not a child or minor
15 ward of the person to remain on the property if the person under the age of
16 eighteen (18) years consumes alcoholic beverage on the property. The prohibitions
17 of this subsection apply only to a person who is present and in control of the
18 location at the time the consumption occurs. The prohibitions of this subsection do
19 not apply to the owner of rental property, or the agent of an owner of rental
20 property, unless the consumption occurs in the individual unit in which the owner
21 or agent resides.

22
23 (c) A person who violates subsection (a) of this section commits a misdemeanor.
24 Upon violation of subsection (a) of this section, the court shall impose at least a
25 mandatory minimum sentence as follows:

- 26
27 (1) Upon a first conviction, a fine of Three Hundred Fifty Dollars (\$350).

1 (2) Upon a second conviction, a fine of One Thousand Dollars (\$1,000).

2 (3) Upon a third or subsequent conviction, a fine of One Thousand Dollars
3 (\$1,000) and not less than Thirty (30) days of imprisonment.

4
5 (d) The court shall not waive or suspend imposition or execution of the mandatory
6 minimum sentence required by subsection (c) of this section. In addition to the
7 mandatory sentence the court may require the violator to make restitution for any
8 damages to property where the alcoholic beverage was illegally consumed or may
9 require participation in volunteer service to a community service agency.

10
11 (e) The mandatory minimum penalty provisions of subsection (c) of this section
12 shall not apply to persons licensed or appointed to manufacture, transport or sell
13 alcohol under Public Law acting in a lawful manner.

14
15 (f) A person who violates subsection (b) of this section commits a violation. Upon
16 violation of subsection (b) of this section, the court shall impose at least a
17 mandatory minimum fine as follows:

18 (1) Upon a first conviction, a fine of Three Hundred Fifty Dollars (\$350).

19 (2) Upon a second or subsequent conviction, a fine of One Thousand Dollars
20 (\$1,000).

21
22 (g) This section shall not apply to any religious practice, observance, or ceremony.

23
24 (h) The violations of this Article and the resulting penalties prescribed herein this
25 Article, supra, are *in addition to* other violations of Public Law related to alcoholic
26 beverages.