



Dutchess County STOP DWI

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William R. Steinhaus
County Executive

William C. Johnson
Coordinator

From: William C. Johnson, STOP-DWI Program Coordinator

To: All Dutchess County Law Enforcement Officials, School Administrators,
and Emergency medical personnel.

Re: Dutchess County Social Host Law

Date: October 15th 2008

On behalf of the Dutchess County STOP-DWI Board I would like to take this opportunity to inform you that the Dutchess County "Social Host Law" (Local Law #2, 2008) has been processed by the Department of State and has officially become law effective June 26th 2008 (see attached).

Underage drinking continues to generate concern in Dutchess County and the Social Host Law is designed to deter consumption of alcohol by minors by holding those over the age of 18 responsible when they permit the consumption of alcoholic beverages by minors.

The Dutchess County local law creates penalties for adults over the age of eighteen (18) who knowingly permit the consumption of alcohol by a minor, the most serious of which is a criminal violation, punishable by fine or imprisonment, for anyone –regardless of age- who owns or rents a home or apartment to knowingly permit someone under the age of 21 to consume alcohol there. Exceptions to the law are made for parents who let their own children drink in their presence, drinking connected to a religious observances and drinking that occurs as part of an accredited educational course.

It sends out a strong reinforcement that Dutchess County is serious about underage drinking. A first offense will be punishable by a fine of up to \$250. A second offense carries a fine up to \$500, and a third offense carries a fine of up to \$1,000 and up to a year in jail.

If you have any questions regarding this legislation please feel free to contact the STOP-DWI office.

LOCAL LAW NO. 2 OF 2008

RE: A LOCAL LAW ENACTING A SOCIAL HOST LAW TO DETER THE CONSUMPTION OF ALCOHOL BY MINORS

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

SECTION 1

LEGISLATIVE INTENT:

The Dutchess County Legislature finds that underage drinking is a significant societal problem that has generated widespread concern in Dutchess County. Although the New York State Legislature has acted to proscribe the unlawful giving, selling, and possessing of alcohol in relation to minors, it has not regulated the situation where a person over the age of eighteen knowingly permits the consumption of alcohol by a minor or in his or her home. The underage consumption of alcohol, whether at a party or a smaller gathering, poses an immediate threat to the public health, safety, and welfare to the residents of Dutchess County, often leading to alcohol abuse by minors, physical altercations, accidental injuries, neighborhood vandalism, excessive noise disturbances requiring the intervention of local law enforcement, and the commission of violent crimes, including sexual offenses and serious assaults. This Local Law will serve to deter the consumption of alcoholic beverages by minors by holding those over the age of eighteen responsible when they permit the consumption of alcoholic beverages by minors at their residences.

SECTION 2

DEFINITIONS:

As used in this Law, the following terms shall have the meanings indicated:

A. "ALCOHOL"- ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever means produced.

B. "ALCOHOLIC BEVERAGE" - any liquor, wine, beer, spirits, cider, or other kind of liquid or solid, patented or not, composed of, or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person, except that confectionary containing alcohol as provided by Subdivision Twelve of Section 200 of the New York State Agriculture and Markets Law, shall not be regarded as an alcoholic beverage within meaning of this section.

C. "KNOWINGLY" - aware of, or having reason to be aware of, the consumption of alcohol by a minor.

D. "MINOR" - any person under the age of twenty-one.

E. "RESIDENCE" - Any home, apartment, condominium, co-operative unit, or other dwelling unit of any kind, including yards and open areas adjacent thereto, owned, rented or controlled by the Lessee or Owner.

F. "DWELLING" - Shall mean a building which is usually occupied, in whole or in part, as a home, residence or sleeping place of one or more human beings and is either owned, rented, leased, let or hired out, to be occupied, or is occupied, as a residence or home of one or more human beings.

SECTION 3

UNLAWFUL CONSUMPTION OF ALCOHOL BY A MINOR AT A RESIDENCE:

A. It shall be unlawful for any person over the age of eighteen, who owns, rents, or otherwise controls a "residence" as defined in Paragraph 2(E) herein or "dwelling" as defined in Paragraph 2(F) herein, to knowingly allow the consumption of alcohol or alcoholic beverages, by any minor on such premises.

B. The provisions of Subdivision A of this section shall not apply to:

1. The consumption of alcohol or alcoholic beverages by a minor whose parent or guardian is present and has expressly permitted such consumption; or

2. The use and consumption of alcohol or alcoholic beverages by a minor for religious purposes.

3. The parent or guardian of such a person or to a person who gives, or causes to be given, any such alcoholic beverage to a person under the age of twenty-one years, who is a student in a curriculum licensed or registered by the State Education Department, where the tasting or imbibing of alcoholic beverages is required in courses that are part of the required curriculum, provided such alcoholic beverages are given only for instructional purposes during classes conducted pursuant to such curriculum.

SECTION 4

PENALTIES:

A violation of Section 3 of this Local Law shall be punishable as follows:

1. First Offense - Any person who violates Section 3 of this Law shall be guilty of a violation punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250), where such violation constitutes the person's first offense.

2. Second Offense - Any person who violates Section 3 of this Law, shall be guilty of a violation punishable by a fine of not less than Five Hundred Dollars (\$500), where such violation constitutes the person's second offense.

3. Third and Subsequent Offenses - Any person who violates Section 3 of this Law, shall be guilty of an unclassified misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000) and a term of imprisonment not to exceed one (1) year, or both.

SECTION 5

EFFECT ON OTHER LAWS:

The provision of Section 3 of this Law, shall not in any way affect the application of any other Law, where appropriate, including, but not limited to, New York Penal Law Section 260.10, Endangering the Welfare of a Minor, and Section 260.20(2), Unlawfully Dealing with a Child.

SECTION 6

APPLICABILITY:

This Law shall apply to all actions occurring on or after the effective date of this Law.

SECTION 7

SEVERABILITY:

If any part or provision of this Local Law, or the application thereof, to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of the provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law, or the application thereof, to other persons or circumstances, and the Dutchess County Legislature hereby declares that it would have passed this Local Law, or the remainder thereof, had such invalid application or invalid provision been apparent.

SECTION 8

EFFECTIVE DATE:

This Law shall take effect immediately upon filing in the Office of the Secretary of State.