



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 201

131st General Assembly
(As Introduced)

Reps. Dever and Stinziano, Antani, Bishoff, Ramos

BILL SUMMARY

- Grants immunity to a person under 21 years of age for unlawful possession or consumption of low-alcohol beverage or unlawful possession, consumption, or being under the influence of beer or intoxicating liquor if law enforcement personnel became aware of the violation solely due to either of the following:
 - (1) Receiving a request for medical assistance under which certain conditions were met when seeking or obtaining the assistance;
 - (2) The person requested law enforcement assistance to report, prevent, or request the investigation of a criminal offense.

CONTENT AND OPERATION

Qualified immunity for underage alcohol possession or consumption

The bill provides the following notwithstanding any provision of the Juvenile Court Law, the Criminal Code, or any other provision of law.¹ A person under 21 years of age cannot be prosecuted, or subjected to adjudication as an unruly child or delinquent child for an "underage alcohol possession or consumption violation" under either of the following conditions (see "**Definitions**"):

- (1) If all of the following apply:
 - "Law enforcement personnel" became aware of the person's possession or consumption of the low-alcohol beverage or possession, consumption, or

¹ R.C. 4301.79(B) and (C).

being under the influence of the beer or intoxicating liquor that is the basis of the violation solely because the person sought or obtained medical assistance for another individual or for self, or solely because another individual sought or obtained medical assistance for the person.

- If the person sought or obtained the medical assistance for another individual, the person acted in good faith upon a reasonable belief that the person was the first to call for assistance and remained with the individual needing the assistance until help arrived.
- If the person sought or obtained the medical assistance for another individual or for self, when seeking or obtaining the assistance, the person used the person's own name.

(2) Law enforcement personnel became aware of the person's possession or consumption of low-alcohol beverage or possession, consumption, or being under the influence of the beer or intoxicating liquor that is the basis of the violation solely because the person, acting in good faith, requested law enforcement assistance by dialing "9-1-1" or by other means, to report, prevent, or request the investigation of a criminal offense.

Underage alcohol possession or consumption prohibitions

The above provisions apply with respect to the prosecution, unruly child adjudication, or delinquent child adjudication of a person who violates any of the following prohibitions under current law, which are not changed by the bill:

- The prohibition against a person under the age of 18 knowingly possessing or consuming any low-alcohol beverage in any public or private place, unless accompanied by a parent, spouse who is not under 18, or legal guardian, or unless the beverage is given by a physician in regular practice or given for established religious purposes.²
- The prohibition against a person under the age of 21 knowingly possessing or consuming any beer or intoxicating liquor in any public or private place or knowingly being under the influence of any beer or intoxicating liquor in any public place.³

² R.C. 4301.631(H) and (J).

³ R.C. 4301.69(E)(1) and (2)(c).

- The prohibitions against any person under the age of 19 consuming any beer or intoxicating liquor, or a person under the age of 21 consuming any intoxicating liquor, from a sealed or unsealed container, by the glass, or by the drink, in any public or private place.⁴

The previously described prohibitions do not apply if the underage person is supervised by a parent, spouse who is not under 21 years of age, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

Definitions

The bill defines the following terms:⁵

"Law enforcement personnel" means peace officers, prosecutors, and members of a campus police department appointed by boards of trustees of private colleges or universities.

"Peace officer" and **"prosecutor"** have the same meanings as under the Criminal Procedure Law.⁶

"Underage alcohol possession or consumption violation" means a person's violation of any prohibition described above in **"Underage alcohol possession or consumption prohibitions"** or of any ordinance of a municipal corporation that is substantially equivalent to any of those prohibitions.

COMMENT

The bill grants qualified immunity in the specified circumstances to persons *under the age of 21 years* who are subject to the prohibitions in R.C. 4301.631(H), 4301.69(E), and 4301.691(C) and (D). Under current law, unchanged by the bill, persons 18 years of age through 21 years of age are not subject to the prohibition in R.C. 4301.631(H) (possessing or consuming low-alcohol beverage in a public or private place), and persons 19 years of age through 21 years of age are not subject to the prohibition in R.C. 4301.691(C) (consuming beer or intoxicating liquor in a public or private place).

⁴ R.C. 4301.691(C), (D), and (K).

⁵ R.C. 4301.79(A).

⁶ By reference to R.C. 2935.01, not in the bill.

HISTORY

ACTION

DATE

Introduced

05-12-15

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