



Ohio Legislative Service Commission

Bill Analysis

Andrea Holmes

H.B. 351

128th General Assembly
(As Introduced)

Reps. Bolon, S. Williams, Phillips, Amstutz, Gardner

BILL SUMMARY

- Changes the culpable mental state applicable to the prohibition on a person who is the owner or occupant of any public or private place from "knowingly" allowing any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor to a prohibition on such a person who "knows or should know" that beer or intoxicating liquor is being possessed or consumed by an underage person in or on the place.
- Prohibits a person who is the owner or occupant of any public or private place from recklessly allowing any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, with certain exceptions.
- Specifies that a person who is the owner or occupant of any public or private place who recklessly allows any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor is guilty of a misdemeanor and subject to a fine.

CONTENT AND OPERATION

Existing law prohibits a person who is the owner or occupant of any public or private place from "knowingly" allowing any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor. The bill changes the culpable mental state applicable to this prohibition from a person who "knowingly" allows any underage person to remain in or on the place while possessing or consuming

beer or intoxicating liquor to a person who "knows or should know" that beer or intoxicating liquor is being possessed or consumed by such underage person in or on the place. (R.C. 4301.69(B)(1).)

The bill creates an additional prohibition on a person who is the owner or occupant of any public or private place from *recklessly* allowing any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the beer or intoxicating liquor is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor (R.C. 4301.69(B)(2)). A person who violates this new prohibition is guilty of a misdemeanor and will be subject to a fine of not less than \$250 and not more than \$500 (R.C. 4301.99(K)).

HISTORY

ACTION	DATE
Introduced	11-04-09

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