

LAWS EVERY PARENT SHOULD KNOW

The Social Host Law

This law "establishes fines for knowingly allowing a party, gathering, or event where minors are present and alcoholic beverages are consumed by one or more minors." This means that the parent can be liable for "allowing" the party even if they do not provide the alcohol. The consequence is a violation of law for the first and second offense, and a misdemeanor for the third and subsequent offenses. The punishment ranges from fines of \$250-\$1,000 and the possibility of imprisonment up to one year.

The Good Samaritan Law

This law states that "a person who, in good faith, seeks health care for someone who is experiencing a drug or alcohol overdose or other life threatening medical emergency shall not be charged or prosecuted for a controlled substance offense." Please note that the Good Samaritan Law applies to controlled substance and marijuana offenses under Article 220 and 221 and does not apply in offenses involving sale for consideration or other gain or to prosecutions for other offenses that, depending on the facts, might be charged.

Leandra's Law

Leandra's Law requires courts to order all drivers convicted of misdemeanor and felony drunk driving charges to install and maintain ignition interlock devices on any vehicles they own or operate for at least six months at their own expense, in addition to any other terms of sentence. The law also makes it a felony to drive while intoxicated or impaired by drugs while a child younger than 16 years old is in the vehicle, the driver may be charged with a Class E felony punishable by up to four years in state prison.

Dram Shop Law

Under New York State common law and "Dram Shop Law," an adult/a parent may be held liable if:

1. Someone, particularly a minor, is injured on their property;
2. A minor dies as a result of drinking on their property;
3. An underage person gets into a fight, falls and hurts themselves or is sexually assaulted on their property especially if the alcoholic beverages were obtained on their property;
4. A neighbor's property is damaged by persons or minors attending a party at their home;
5. An underage person who was drinking on their property, leaves their property, and is involved in a motor vehicle accident, causing injury to themselves or others.

Although the above acts may or may not be covered under their homeowner's insurance policy, the homeowner may still be responsible for costs not covered or beyond the homeowner's policy limits. Parents and adults have a legal responsibility to ensure the safety of underage persons while on their property or under their care, custody and control. Parents have a duty to monitor parties hosted by their children.

NYS Alcoholic Beverage Control Law

Sale without and appropriate license-Section 100.1

No person shall manufacture for sale or sell at wholesale or retail any alcoholic beverage within the state without obtaining the appropriate license. This law applies when a person charges a fee to an attendee of a gathering (i.e.: keg party, fraternity party etc.) and provides alcoholic beverages. Violation of this law is a misdemeanor.

Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of twenty-on years - Section 65-c

This law is used when an underage person is in possession of an alcoholic beverage with intent to consume and the alcoholic beverage was not given to the underage person by his/her parent or legal guardian. Although violation of this law is an offense, the underage person may be issued a summons to appear in court and be fined and/or receive other penalties as provided in this statute.

NYS Penal Law:

Unlawful dealing with a child in the first degree - Section 260.20

A person is guilty when he gives or sells or causes to be given or sold any alcoholic beverage, as defined by section three of the alcoholic beverage control law, to a person less than 21 years old: except that this subdivision does not apply to the parent or guardian of such person or to a person who gives or causes to be given any such alcoholic beverage to a person under the age of 21 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 given only for instructional purpose during classes conducted pursuant to such curriculum. Unlawful dealing with a child in the first degree is a Class A misdemeanor.

Endangering the welfare of a child - Section 260.10

A person is guilty of endangering the welfare of a child when:

He knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than 17 years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to his life or health. Endangering the welfare of a child is a Class A misdemeanor. Note: A parent or guardian may be arrested if they knowingly provide unreasonable amounts of alcoholic beverages, illicit or prescription drugs (not prescribed to the child) in a manner likely to be injurious to the physical, mental or moral welfare of a child less than 17 years of age.

False or Fraudulent Identification Cards

The following criminal charges may be considered if an underage person alters and/or possesses a false or fraudulent written instrument officially issued or created by a public office, public servant or governmental instrumentality. Manufacturers or alters a driver's license:

- Forgery in the 2nd degree (Penal Law - §170.10) D Felony
- Possession of a forged instrument 2nd degree (Penal Law - §170.25) D Felony
- Criminal impersonation 2nd degree (Penal Law - §190.25) A Misdemeanor
- False personation (Penal Law - §190.23) B Misdemeanor

There are also Alcoholic Beverage Control laws and Motor Vehicle laws that have criminal and administrative penalties for attempting to purchase alcoholic beverages with an altered or false NYS driver's license.