

2015 Regular Session

HOUSE BILL NO. 343

BY REPRESENTATIVE HAZEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Provides relative to the public possession of alcohol by persons under the age of twenty-one years

1 AN ACT

2 To amend and reenact R.S. 14:93.10(2)(a)(iv), relative to the unlawful possession of
3 alcoholic beverages; to provide relative to the crime prohibiting public possession
4 of alcoholic beverages by a person under twenty-one years of age; to amend the
5 definition of "public possession" relative to possession and consumption in a private
6 residence; to define "private residence"; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:93.10(2)(a)(iv) is hereby amended and reenacted to read as
9 follows:

10 §93.10. Definitions

11 For purposes of R.S. 14:93.10 through 93.14, the following definitions shall
12 apply:

13 * * *

14 (2) "Public possession" means the possession of any alcoholic beverage for
15 any reason, including consumption, on any street, highway, or waterway or in any
16 public place or any place open to the public, including a club which is de facto open
17 to the public. "Public possession" does not include the following:

18 (a) The possession or consumption of any alcoholic beverage:

19 * * *

- 1 (iv) In a private ~~residences~~ residence which shall include a residential
 2 dwelling and up to twenty contiguous acres, on which the dwelling is located, owned
 3 by the same person who owns the dwelling.

4 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 343 Engrossed

2015 Regular Session

Hazel

Abstract: Defines "private residence" for purposes of the exception to the prohibition on public possession of alcohol by persons under the age of twenty-one.

Present law (R.S. 14:93.12) prohibits the "public possession" of any alcoholic beverage by any person under 21 years of age.

Present law (R.S. 14:93.10) defines "public possession" as the possession of any alcoholic beverage for any reason, including consumption, on any street, highway, or waterway or in any public place or any place open to the public, including a club which is de facto open to the public. However, present law provides that "public possession" does not include the possession or consumption of any alcoholic beverage:

- (1) For an established religious purpose.
- (2) When a person under 21 years of age is accompanied by a parent, spouse, or legal guardian 21 years of age or older.
- (3) For medical purposes when purchased as an over the counter medication, or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.
- (4) In private residences.

Proposed law provides that for these purposes a "private residence" includes a residential dwelling and up to 20 contiguous acres, on which the dwelling is located, owned by the same person who owns the dwelling.

(Amends R.S. 14:93.10(2)(a)(iv))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law provision which provided that possession in a private residence is only excluded from the definition of "public possession" if the person under 21 is accompanied by a parent, guardian, or spouse.
2. Provide that "private residence" includes a residential dwelling and up to 20 contiguous acres, on which the dwelling is located, owned by the same person who owns the dwelling.