

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 448

Printer's No.: 431

Sponsor: Senator Rafferty

Prepared by: Gregg Warner

Synopsis: This bill amends section 6308 of the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, to provide a person with immunity from prosecution for underage drinking when the person calls 911 because someone else needs medical attention.

Summary: The bill adds subsection (f) to section 6308. The new subsection provides that a person is immune from prosecution for being less than 21 years old and consuming alcohol if the person is able to establish the following:

(1) The sole means for law enforcement officers to become aware of the person's violation of the underage drinking law is because the person called 911 or campus safety, police or emergency services, in good faith, based on a reasonable belief, and reported that someone else was in need of immediate medical assistance to prevent death or serious injury.

(2) The person who called 911, campus safety, police or emergency services reasonably believed that he was the first person to make the call and report that someone else needed immediate medical assistance to prevent death or serious injury.

(3) The person provided his own name to the 911 operator or campus safety, police or emergency officer.

(4) The person remained with the person needing medical assistance until emergency health care providers arrived and the need for the person's presence ended.

Effective date

This act takes effect in 60 days.

Background: Senate Bill 448 provides an incentive for a person who may be in violation of the underage drinking law to stay at the scene to assist another person who needs medical treatment. The legislation is not intended to give immunity to someone who provides alcoholic beverages to underage drinkers.

Section 6308

The relevant provisions of 18 Pa.C.S. §6308 are set forth below. Subsection (e) is not included; it relates to compliance checks.

§6308. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

(a) Offense defined.--A person commits a summary offense if he, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages, as defined in section 6310.6 (relating to definitions). For the purposes of this section, it shall not be a defense that the liquor or malt or brewed beverage was consumed in a jurisdiction other than the jurisdiction where the citation for underage drinking was issued.

(b) Penalty.--In addition to the penalty imposed pursuant to section 6310.4 (relating to restriction of operating privileges), a person convicted of violating subsection (a) may be sentenced to pay a fine of not more than \$500 for the second and each subsequent violation.

(c) Preadjudication disposition.--

(1) When a person is charged with violating subsection (a), the magisterial district judge may admit the offender to the adjudication alternative as authorized in 42 Pa.C.S. §1520 (relating to adjudication alternative program) or any other preadjudication disposition if the offender has not previously received a preadjudication disposition for violating subsection (a).

(2) The use of a preadjudication disposition shall be considered a first or subsequent offense, whichever is applicable, for the purpose of further adjudication under this section or under section 6310.4.

(d) Notification.--The police department making an arrest for a suspected violation of subsection (a) shall so notify the parents or guardian of the minor charged.

Legislative history

Last session this legislation was introduced as Senate Bill 488. The Senate passed Senate Bill 488 by a vote of 50 to 0. While the House Judiciary and Appropriations committees reported Senate Bill 488 from their respective committees, the House of Representatives did not take a final vote on the bill.