

2010 -- H 7350

LC01035

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES

Introduced By: Representatives Jacquard, Palumbo, Carnevale, Almeida, and Lima

Date Introduced: February 03, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-8-11.1 of the General Laws in Chapter 3-8 entitled "Regulation of
2 Sales" is hereby amended to read as follows:

3 **3-8-11.1. Furnishing or procurement of alcoholic beverages for underage persons. --**

4 (a) As used in this section: (1) "furnish" means to provide with, supply, give or purchase; (2)
5 "procure" means to get possession of, obtain by particular care and effort; and (3) "permit" means
6 to give permission for, or approval of, the possession or consumption of an alcoholic beverage by
7 any form of conduct, that would cause a reasonable person to believe that permission or approval
8 has been given.

9 (b) Except as otherwise provided in subsection (c) of this section it is unlawful for any
10 person ~~twenty-one (21) years of age or older:~~

11 (1) to purchase from any licensee or any employee of a licensee any alcoholic beverage
12 for the sale, delivery, service of or giving away to, any person who has not reached his or her
13 twenty-first (21st) birthday;

14 (2) to purchase from any licensee or any employee of any licensee any alcoholic
15 beverage with the intent to cause or permit said alcoholic beverage to be sold, or given to any
16 person who has not reached his or her twenty-first (21st) birthday;

17 (3) to knowingly furnish any alcoholic beverage for the sale, delivery, service of or
18 giving to any person who has not reached his or her twenty-first (21st) birthday;

19 (4) to procure alcoholic beverages for the sale, delivery, service of or giving to any

1 person who has not reached his or her twenty-first (21st) birthday; or

2 (5) to otherwise permit the consumption of alcohol by underaged persons in his or her
3 residence or on his or her real property.

4 (c) This section does not apply to use, consumption or possession of alcoholic beverages
5 by a minor for religious purposes; or to a parent or legal guardian procuring or furnishing alcohol
6 to, or permitting the consumption of alcohol by, his or her minor child or ward.

7 (d) Any person who violates this section will be subject to the penalties provided in
8 section 3-8-11.2.

9 SECTION 2. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is
10 hereby amended by adding thereto the following section:

11 **31-27-24. Furnishing or procurement of alcoholic beverages and/or controlled**
12 **substances for underage persons resulting in death.** -- (a) When the death of any person ensues
13 as a proximate result of an injury received by the operation of any vehicle, the operator of which
14 is under the influence of any intoxicating liquor, toluene or any controlled substance as defined in
15 chapter 21-28, or any combination thereof, and who has not reached his or her twenty-first (21st)
16 birthday, any person who furnished or procured the alcoholic beverage or controlled substance for
17 said operator in violation of section 3-8-11.1, the furnishing or procurement being the proximate
18 cause of such death, shall be guilty of furnishing or procurement of alcoholic beverages and/or
19 controlled substances for underage persons resulting in death.

20 (b) Any person charged with the commission of the offense set forth in subsection (a) of
21 this section shall, upon conviction, be imprisoned for not less than five (5) years and not more
22 than fifteen (15) years.

23 **31-27-25. Furnishing or procurement of alcoholic beverages and/or controlled**
24 **substances for underage persons resulting in serious bodily injury.** -- When serious bodily
25 injury of any person ensues as a proximate result of an injury received by the operation of any
26 vehicle, the operator of which is under the influence of any intoxicating liquor, toluene or any
27 controlled substance as defined in chapter 21-28, or any combination thereof, and who has not
28 reached his or her twenty-first (21st) birthday, any person who furnished or procured the alcoholic
29 beverage or controlled substance for said operator in violation of section 3-8-11.1, the furnishing
30 or procurement being the proximate cause of such serious bodily injury, shall be guilty of
31 furnishing or procurement of alcoholic beverages and/or controlled substances for underage
32 persons resulting in serious bodily injury.

33 (b) As used in this section, "serious bodily injury" means physical injury that creates a
34 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment

1 of the function of any bodily member or organ.

2 (c) Any person charged with the commission of the offense set forth in subsection (a) of
3 this section shall, upon conviction, be imprisoned for not less than one year and not more than ten
4 (10) years.

5 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES

1 This act would establish the motor vehicle offenses of furnishing or procuring alcoholic
2 beverages and/or controlled substances to underage persons resulting in death or serious bodily
3 injury.

4 This act would take effect upon passage.

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