

SENATE BILL 1605

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 15, Part 4; Title 40, Chapter 32 and Title 57, relative to underage consumption of alcoholic beverages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-404, is amended by deleting subdivision (a)(3) and substituting instead the following:

(A) It is an offense for any owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine, or beer on the property if the owner, occupant, or other person knows that the person consuming is a minor;

(B)

(i) Notwithstanding subsection (d), if the owner, occupant, or other person who commits an offense under subdivision (a)(3)(A) is a social host, the owner, occupant, or other person commits a Class E felony and, in addition to the penalties authorized under § 40-35-111, the offender is subject to all additional penalties set forth under subsection (d) regarding community service and driving privileges;

(ii) As used in this subdivision (a)(3)(B):

(a) "Social gathering" means an assembly of two (2) or more persons for any purpose, unless all of the persons attending the assembly are members of the same household or immediate family; and

(b) "Social host" means a person who, by express or implied invitation, invites one (1) or more persons to the person's residence or

onto property for which the person has the lawful right of exclusive use and enjoyment for purposes of a social gathering;

(C) It is an affirmative defense to prosecution under subdivision (a)(3)(A) or (a)(3)(B) that the defendant acted upon a reasonably held belief that the minor was twenty-one (21) years of age or older;

(D) Subdivisions (a)(3)(A) and (B) do not apply to consumption or possession of a de minimis quantity of alcohol or wine by a minor as permitted by § 1-3-113(b)(2); and

(E) This subdivision (a)(3) must not be construed to affect:

(i) Standards for imposing civil liability on social hosts pursuant to § 57-10-101;

(ii) Standards, established pursuant to § 37-1-156(a), for imposing criminal liability on adults who contribute or encourage the delinquency or unruly behavior of a child, as defined in § 37-1-102(b); or

(iii) Standards, established pursuant to § 39-11-404, for imposing criminal liability on corporations.

SECTION 2. Tennessee Code Annotated, Section 40-32-101(g)(1)(B), is amended by deleting subdivision (xix) and substituting instead the following:

(xix) Section 39-15-404 — Allowing a minor to consume alcohol on person's premises;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.