

THE DISTRICT ATTORNEY OF DUTCHESS COUNTY

236 MAIN STREET
POUGHKEEPSIE, N. Y. 12601
(845) 486-2300
FAX (845) 486-2324

WILLIAM V. GRADY
DISTRICT ATTORNEY

BRIDGET R. STELLER
Chief Assistant District Attorney

BUREAU CHIEFS
Edward F. Whitesell
Marjorie J. Smith
Frank F. Chase
Matthew A. Weishaupt
Edward T. McLoughlin

FROM: William V. Grady
District Attorney

DATE: April 18, 2011

SUBJECT: Underage Drinking

This time of year brings planning for prom and graduation celebrations, and I am sure that we all share the common goal of making these events enjoyable. However, in planning these functions, we must avoid making decisions that can bring unwanted consequences to an otherwise memorable occasion. In this regard I would like to share the following information which I hope will be useful to you.

As a parent, I can appreciate that pressure may develop to be the “fun parent” who hosts a party where alcohol is consumed. Gone are the days of simply “taking the keys” and turning a blind eye. We must be conscious of the significant civil and criminal ramifications that can result from these types of choices.

Section 260.20 of the New York State Penal Law provides that anyone who even “gives” alcohol to a person less than twenty-one years old shall be guilty of a Class A Misdemeanor crime. This crime is punishable by up to one year in the Dutchess County Jail and/or \$1,000.00 fine. The fact that the party is held at the home of the host or that the host collects the keys of those in attendance who are drinking is not a defense.

Additionally, in an effort to reduce underage drinking, and the many crimes that often result from such behavior, such as physical assaults, vandalism and tragically, death, the Dutchess County Legislature enacted the “Social Host Law.” This law makes it unlawful for anyone over the age of eighteen to knowingly allow the consumption of alcohol by a minor on their premises. For example, there may be instances wherein a minor may bring their own alcohol to the party. The fact that the host did not supply the alcohol is not a defense to this violation. This violation is punishable by fines up to \$1,000.00 and/or up to one year in jail.

Moreover, these criminal charges do not address the possible civil liability that can result if this type of conduct occurs at your residence. The Social Host Liability Act of New York State imposes civil liability upon any individual who knowingly serves or permits alcohol to be served to a minor if that minor causes injury to another as a result of his or her intoxication. This additional and serious consequence of civil liability also puts your home and other valuable assets at risk. There exists the potential that a homeowner's insurance company can deny a claim.

My Office, law enforcement agencies and the Legislature of this County, will continue our commitment to addressing problems created by underage drinking. As a parent and member of this community, I believe we all have a responsibility to do our part in keeping our children safe.