

HB 1486-FN – AS INTRODUCED

2014 SESSION

14-2321
03/04

HOUSE BILL ***1486-FN***

AN ACT reducing the fines for underage possession or consumption of alcoholic beverages.

SPONSORS: Rep. Hoell, Merr 23

COMMITTEE: Children and Family Law

ANALYSIS

This bill reduces the fines for underage possession or consumption of alcoholic beverages.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT reducing the fines for underage possession or consumption of alcoholic beverages.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Unlawful Possession and Intoxication; Fines. Amend RSA 179:10, I to read as follows:

2 I. Except as provided in RSA 179:23, any person under the age of 21 years who has in his or
3 her possession any liquor or alcoholic beverage, or who is intoxicated by consumption of an alcoholic
4 beverage, shall be guilty of a violation and shall be fined a [~~minimum of \$300~~] **maximum of \$100**.
5 Any second and subsequent offense shall be fined [~~at least \$600~~] **a maximum of \$300**. For purposes
6 of this section, alcohol concentration as defined in RSA 259:3-b of .02 or more shall be prima facie
7 evidence of intoxication. No portion of this mandatory minimum fine shall be waived, continued for
8 sentencing, or suspended by the court. In addition to the penalties provided in this section, the court
9 may, in its discretion, impose further penalties authorized by RSA 263:56-b.

10 2 Effective Date. This act shall take effect January 1, 2015.

HB 1486-FN - FISCAL NOTE

AN ACT reducing the fines for underage possession or consumption of alcoholic beverages.

FISCAL IMPACT:

The Judicial Branch, Department of Safety and NH Municipal Association state this bill, as introduced, will decrease state, county and local revenue by an indeterminable amount in FY 2015 and each year thereafter. There is no impact on state, county and local expenditures.

METHODOLOGY:

The Judicial Branch states this bill amends RSA 179:10, I to establish the maximum fine for a first time violation of underage possession or consumption of alcoholic beverages at \$100 and the maximum for a second and any subsequent violations at \$300. The Branch states current law establishes the minimum for a first time violation of underage possession or consumption of alcoholic beverages at \$300, and the maximum for a second and any subsequent violations at \$600. The Branch states in FY 2013 the district division of the circuit court assesses 2,252 fines of \$300, and 206 fines of \$600. If the fines are reduced to \$100 for first time violations, that is a \$200 decrease in fine revenue per offense, and if the fines are reduced to \$300 for second and subsequent violations, that is a \$300 decrease in fine revenue per offense. The Branch determines the decrease in fine revenue based on the number of assessments in FY 2013 to be \$512,200 (((\$200 decrease in first time violation * 2,252 fines assessed) + (\$300 decrease in second and subsequent violations * 206 fines assessed)). Pursuant to RSA 179:61, this fine revenue is distributed “to the state, county, or town, the officials of which instituted the prosecution” therefore this bill will decrease state, county and local revenue by an indeterminable amount. In addition, RSA 188-F:31,I imposes a penalty assessment of 24 percent on all fines, with 66.67 percent directed to the police standards and training council training fund, 16.67 percent directed to the victims’ assistance fund, and 16.67 percent directed to the Judicial Branch information technology fund. The Branch estimates the decrease in penalty assessment revenue to be \$122,928 (\$512,200 * 24%). The police standards and training council training fund revenue would decrease by \$81,944, the victims’ assistance fund revenue would decrease by \$20,492, and the Judicial Branch information technology fund revenue would decrease by \$20,492.

The Department of Safety states for FY 2013 there were 1,825 convictions for illegal possession of alcohol. The Department does not track whether the conviction is a first or second offense,

therefore it is assumed 75 percent of the convictions were first offense and 25 percent were second or subsequent offenses. The Department estimates state revenue is expected to decrease by \$410,600 ((\$200 decrease in first time violation * 1,369 convictions) + (\$300 decrease in second and subsequent violations * 456 convictions)).

The New Hampshire Municipal Association states this bill will decrease local revenue by an indeterminable amount in FY 2015. The Association has no data on the number of prosecutions instituted at the local level to determine an exact fiscal impact on local revenue.