

Buckeye law targets adults who aid underage drinkers

by Jackee Coe

A proposed social host ordinance in Buckeye would hold adults legally responsible for enabling underage drinking.

The ordinance, which may take effect next month, is the culmination of two years of work by an anti-underage drinking coalition in Buckeye.

- [Group targeting underage drinking achieving its goals](#)

Depending on the severity of the offense, adults cited under the proposed ordinance would face civil or criminal penalties that would include jail time and hefty fines.

The Town Council is scheduled to discuss the ordinance at a workshop March 1 and vote at the council meeting the same night. If approved, it would take effect immediately.

Coalition leaders, town officials and police hope the law will bring awareness to the issue and change community behavior.

"(We want) to get people to realize that it's not OK to allow your minor children to be consuming alcohol, whether it's inside your house or outside your house," said Buckeye police Lt. Dave Hubalik.

The idea for the social host ordinance came from the Way Out West Coalition, a grass-roots group of residents, community leaders and town officials working to reduce minors' access to alcohol and hold adult providers accountable.

Coalition leaders hope the ordinance will create "attitudinal change" by helping the community understand the dangers of underage drinking and "why it's so crucial that we work together to prevent it," said Ed Eddingfield, a coalition coordinator.

"We've got adults in our community (who) are allowing really bad things to happen in their homes - things that most (parents) are not comfortable with. It goes way beyond drinking," Eddingfield said. "We might not be able to stop it completely, but if the adults would just stop giving them the alcohol it would sure cut down on it exponentially."

Adults responsible for property where minors are drinking will be cited under the proposed ordinance. A "host presumption" provision states that adults who "knew or should have known" about the alcohol but didn't take appropriate steps to prevent it will be held accountable, even if they were not home at the time.

The first offense would be a civil violation. Offenders would have to pay a mandatory \$250 fine and complete a drug and alcohol prevention and education program.

The civil fine would increase to \$1,000 on the second offense and to \$1,500 on the third offense.

On the second and subsequent offenses, officers also would have the option to criminally cite an adult who is serving alcohol to a minor or knowingly permitting underage drinking or illegal drug use.

The criminal offense would be a Class 1 misdemeanor and penalties could include a combination of community service, counseling, fine of up to \$2,500 and up to six months in jail.

The civil and criminal options give officers flexibility to deal with each situation appropriately, said Hubalik a liaison to the coalition.

"Not every single situation is black and white," he said. "There has to be a gray area so that we are reasonable with the public."

Officer discretion would play a key role. Officers would consider several factors when handling a situation, including number of previous offenses, number of minors drinking and how they obtained the alcohol, Hubalik said.

There already is a state law prohibiting adults from providing alcohol to minors. But the social host ordinance would make it easier for officers to cite people because there is less proof required.

"This is just one more tool that we have to address the issue," Hubalik said.

But police aren't trying to punish as many people as possible, he said. They want to change people's behavior.

"Our goal is to solve the problem and that's not always by hammering people with arrests and citations," Hubalik said.

The social host ordinance would be part of Buckeye's ongoing process of rewriting its municipal code. The ordinance would replace two sections of the "Miscellaneous Offenses" chapter.

Town officials, including the attorney and prosecutor, reworked the ordinance the coalition proposed, fine-tuning the wording to strengthen its legal standing.

Buckeye Vice Mayor Brian McAchran, a member of the coalition, said the decision whether to pass it rests on all council members, but he's hopeful it will be approved.

"It seems to me that it's the right thing to do, but that will be up to the entire body to determine during that meeting," McAchran said. "What the coalition is doing is very much grass-roots community-driven. The stakeholders are people from our community. They have a very strong desire in combating underage drinking, and this is a community-driven ordinance all the way from the bottom to the top."

Underage drinking violations in Buckeye

	Minor consumption arrests	Minor in possession	Providing alcohol to minor
July	24	30	0
August	24	42	0
September	21	42	0
October	14	24	0
November	17	34	8
December	22	36	0
Total	122	208	8

Sources: Way Out West Coalition and Buckeye Police Department

Read more: <http://www.azcentral.com/news/articles/2011/02/08/20110208buckeye-underage-drinking-ordinance.html#ixzz1E2kiJ6IX>