

# THE INDEPENDENT

January 10, 2004

## 'There oughta be a law' against condoning teen drinking, driving

**G**RADUATION PARTIES may never be the same in high school now that Assemblyman Joe Simitian's bill AB 1301 passed the legislature. It was the idea of Donna Lera of San Carlos who participated in Simitian's "There Oughta Be A Law" program, asking constituents to present ideas for legislation.

The legislation will allow parents or legal guardians to be imprisoned for up to one year and fined up to \$1,000 if they knowingly let their homes be used for teenage drinking that leads to a traffic accident.

The bill would close a loophole in existing state law that currently prevents parents from buying or supplying alcohol to minors but does little to prevent adults from looking the other way when their children drink alcohol at home or host beer parties.

Donna Lera is a family counselor who says she often hears disturbing stories from teenagers about parties or gatherings where adults either condone what is going on or do little to stop alcohol consumption and abuse.

The numbers speak for themselves in confirming both Lera's and Simitian's concerns. Thirty percent of the state's 11th graders have driven after drinking or been a passenger in a vehicle driven by someone who has been drinking.

The law takes effect only if adults knowingly permit a minor to drink and drive and only if that youth subsequently causes a traffic accident and is found to have a blood alcohol level of 0.05 percent or higher.

The new law also applies to parents or legal guardians who ignore a teenager's con-

sumption of drugs inside their home provided the youth is considered under the influence of a controlled substance when the traffic accident occurs.

Simitian says he feels optimistic that prosecution under the law will be possible during an investigation of accidents by teenage drivers. But he is more interested in preventing such crimes from taking place and believes the legislation can be used for that purpose.

We like Simitian's program of asking constituents to come up with legislative ideas which he can introduce in Sacramento. This is just another bill which has been prompted by the concerns of residents in Simitian's Assembly District which includes San Carlos, Redwood City and Menlo Park.



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# The Sacramento Bee

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New laws / 2004

## Parents allowing teen drinking parties could go to jail

*Seventh in a series of reports about new laws in California for 2004.*

**By Jim Sanders**  
BEE CAPITOL BUREAU

A new California law allows parents to be jailed for knowingly allowing their homes to be used for teenage drinking that subsequently leads to a traffic accident.

Beginning on Thursday, AB 1301 will permit parents or legal guardians to be incarcerated for up to one year and fined up to \$1,000.

The bill is an attempt to close what Assemblyman Joe Simitian, D-Palo Alto, considers a



**For more information**

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loophole in existing state law.

California currently prohibits parents from buying or supplying alcohol to minors but does little to prevent adults from simply looking the other way when their children drink significant amounts of alcohol at home or host wild beer parties, Simitian said.

"AB 1301 is a measure that will cause parents to think twice and give them a tool to say no to their teenagers," he said.

The bill was conceived by Donna Lera of San Carlos as part of a "There Oughta Be a Law" contest sponsored annually by Simitian. Lera, a family counselor, said she often hears disturbing stories from teenagers about parties or gatherings in which adults condone or do little to stop alcohol abuse.

"I felt there was something wrong with that picture," she said.

One San Francisco Bay Area high school sophomore – a "bright, stellar, A-plus student" – ended up in the hospital with alcohol poisoning after her friend's parent let them drink alcohol before driving them to a school dance, where the girl collapsed, Lera said.

"It's not uncommon for me to see clients who will be in comas for a day or two because their blood-alcohol level was so high," she said.

Thirty percent of the state's 11th-graders have driven after drinking or been a passenger in a vehicle driven by someone who had been drinking, a statewide survey found in 2001-02.

Five of six people interviewed randomly in downtown Sacramento this week support Simitian's bill.

"I'm surprised it wasn't law already," said Merry Martson, 40, of Sacramento. "I know that my parents drummed it into my head: Don't do stupid stuff because they'd be responsible."

Added Joseph Watkins, 21, of Sacramento, "Possibly after a few parents get prosecuted and sent to jail, it might bring the party level down."

But Jason Ancell, a 25-year-old West Sacramento resident, says AB 1301 unfairly blames

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**Joe Simitian**

The Palo Alto assemblyman says the law, which will apply if a teen's drinking leads to a traffic accident, "will cause parents to think twice and give them a tool to say no to their teenagers."

**Dan Walters' column will return on Sunday.**

# Jail: Law also applies to use of illegal drugs

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parents for teenage drinking that is likely to continue with or without the new law.

"Parents will ignore the law, pretty much," he said.

AB 1301 unanimously passed the Senate and Assembly.

Some law enforcement officials applaud the bill's message of accountability but say it may not lead to many jailings or fines because of potential difficulties in proving guilt.

"Realistically, there probably won't be a lot of enforcement ... but from the pure perspective of (endorsing) anything that would stop kids from drinking, we did support the bill," said California Highway Patrol Commissioner D.O. "Spike" Helmick.

Prosecution under AB 1301 is possible only if adults "knowingly permit" a minor to drink and then drive, and only if that youth subsequently causes a traffic accident and is found to have a blood-alcohol level of 0.05 percent or higher.

Difficulties can arise in proving that parents "knowingly permitted" the drinking and driving, for example, or in proving that the required 0.05 percent blood-alcohol level stemmed from liquor consumed at the adults' house, officials say.

The blood-alcohol level specified in AB 1301 is less than the state's drunken driving standard of 0.08 percent and can be reached by a 150-pound teenager who consumes roughly two 12-ounce cans of beer over a two-hour period.

The new California law also applies to parents or legal guardians who ignore a teenager's consumption of drugs inside their home, provided the youth is deemed "under the influence of a controlled substance" when the traffic accident occurs.

Simitian is optimistic about prosecution under AB 1301, say-

ing that required elements of proof will emerge during accident investigations, when officers ask teenage drivers where they obtained alcohol or drugs, the quantity consumed and whether adults were present.

But success won't necessarily be measured by the number of parents jailed, he said.

"This isn't one of those things that you're hoping people will be cited frequently," he said. "The goal here is not to prosecute misdemeanors. The goal is to change behavior and save lives."

California already has a hammer over minors who drive after drinking even small quantities of alcohol: Their driver's license can be revoked for one year if they're found behind the wheel with even a single can of beer in their system.

By raising the stakes for parents, AB 1301 provides a new reason to crack down on their children's drinking, Simitian said.

"Now a parent can say, 'Look, it's not just a question of consequence for you, there are consequences for me if I allow alcohol to be served in the home and you end up in a traffic accident,'" he said.

AB 1301 requires significant consumption, a blood-alcohol level of 0.05, to avoid unduly penalizing parents for letting children take a few celebratory sips of champagne or consume small quantities of alcohol as part of a religious ceremony, Simitian said.

Supporters of AB 1301 included Mothers Against Drunk Driving, the California Narcotic Officers' Association, the California School Nurses Organization, the Peace Officers Research Association of California and the Drug Policy Alliance Network.

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