

Introduction

Lake County Underage Drinking Prevention Task Force's (LCUDPTF) is a diverse group of concerned citizens. The LCUDPTF is supported by the Lake County Chiefs of Police Association and the Lake County After School Coalition and whose members include representatives from the municipal and county criminal justice system; schools; social service agencies; hospitals; local, county, and state government; and parents interested in preventing underage use of alcohol.

Task Force Goals

One of the main goals of the LCUDPTF is to have consistent adoption and enforcement of ordinances throughout the County in regards to underage consumption of alcohol. One particular ordinance stood out as needing an update. In 2002 the Illinois Supreme Court found the Illinois law regarding hosting a gathering in which underage persons would consume alcohol to be unconstitutional (202 Ill. 2d 578 People v Law). Many communities adopted the state language and therefore their ordinances were also unconstitutional. Some communities changed their ordinance and some did not. The LCUDPTF is now advocating for municipalities to adopt what is now referred to as a "social hosting" ordinance. Studies have been conducted in other states which show that the adoption and enforcement of social hosting ordinance work. Over the past several years Lake County has seen its share of tragic events resulting from underage alcohol consumption at gatherings. The most notable is the deaths resulting from a party in Deerfield on October 13th, 2006. Two 18 year old men were killed in a car crash after drinking at a nearby party.

Just recently in nearby Prospect Heights a 15 year old girl was killed as she crossed the street. The driver of the car who struck her was a fellow classmate who was 17 years old. He had just left an underage drinking party. The Lake County Underage Drinking Prevention Task Force found that although some Lake County communities adopted a new ordinance, they may not have adopted the best ordinance for their community. The tragic events and understanding of the consequences of underage drinking underscore the need for having good laws and consistent enforcement.

New Social Host Ordinance Development

The Legislative Committee of the LCUDPTF was asked to develop a model social hosting ordinance. The Committee worked together and developed what we believe is an important tool for any Village. The ordinance was developed by using parts of many ordinances currently used in communities in California, Minnesota and Colorado.

We know that police departments throughout the county investigate a number of underage drinking parties every year. This Social Hosting Ordinance is intended to hold anyone, not just parents, accountable for hosting an event or gathering during which underage drinking or illicit drug use is occurring. Current ordinances in the county tend to only cover parents or legal guardians, not others who host underage parties who may not be parents. Additionally, current ordinances tend to only cover residences and not other locations such as hotels, banquet halls or other locations in which these gatherings occur. To this end, we included vehicles and

watercraft as well in an attempt to address any situation in any community. The suggested ordinance is far more comprehensive than many current ordinances. Members of the committee are aware that village/city budgets are tight. We submitted the sample ordinances to attorney Chuck Smith (Smith & LaLuzerne, Ltd.) and the Lake County State's Attorney's Civil Division for review. The comments and suggestions from the attorneys have been incorporated in the draft ordinance.

We believe that the ordinance in this format is ready to present to your village board, city counsel and the county board. The committee also is recommending this ordinance to state legislators for possible adoption as state law.

Key Components

The model social host ordinance contains a number of components;

1. The ordinance applies to anyone regardless of relationship to the underage person. This includes parents, guardians and other related or unrelated persons. Often parties are thrown by another underage person.
2. The ordinance provides for enforcement regardless of the place in which the gathering is held. Traditionally the laws have applied only to a residence and then only to a person who is responsible for the residence. Many gatherings are held in other locations to avoid the consequences of current laws. The model social host ordinance includes, residences, on private or public property (parks, forest preserves etc.) or in any conveyance. Conveyances include motor vehicles, trailers, watercraft or container.
3. The model social host ordinance includes the use of illicit drugs in addition to alcohol.
4. The model ordinance provides for protection of the person hosting the gathering if they contact the police for assistance to terminate the gathering. Often a large gathering will have started as a small gathering of a few friends. They in turn tell other friends and so on until the gathering is out of control
5. The model ordinance does not require the person responsible for facilitating the gathering to be present.
6. The ordinance does not apply to legitimate religious ceremonies or to parents providing alcohol only to their children in their own home as allowed by Illinois state law.
7. The model ordinance provides for minimum fines to assure that the violators will understand the severity of the offense.

The committee believes that this ordinance provides the best components for your community. There is also room for customizing the ordinance. For example the fine structure is set for a non-home rule community. Home Rule communities may seek to increase the fines and add cost recovery measures.

Assistance

Members of the LCUDPTF are available to assist you with the presentation this ordinance to your legislative body for adoption. We will also provide background information and support to help the ordinance be approved.