



# City of San Antonio

## Legislation Details (With Text)

**File #:** 16-4798

**Type:** Staff Briefing - Without Ordinance

**In control:** Criminal Justice, Public Safety and Services Committee

**On agenda:** 9/7/2016

**Title:** Briefing on Councilman Saldana's Council Consideration Request on Social Hosting Accountability [Presented by William McManus, Chief of Police]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Police Department

**DEPARTMENT HEAD:** William P. McManus, Chief of Police

**COUNCIL DISTRICTS IMPACTED:** Citywide

### SUBJECT:

Proposed Social Host Accountability Ordinance

### SUMMARY:

On May 6, 2016, Councilmember Rey Saldaña requested City Council consider an ordinance that would create a local social host ordinance “aimed at reducing underage drinking at gatherings where minors might consume alcohol”. The proposed ordinance would hold accountable adults legally responsible for property where underage drinking has occurred.

### BACKGROUND INFORMATION:

Councilmember Saldaña identifies underage drinking on private property as a threat to the public health, safety, and general welfare of the community. The proposed social host ordinance would grant local enforcement agencies the ability to abate gatherings where alcohol is being consumed on private property. It is asserted that the ordinance may “decrease the abuse of alcohol by minors, physical altercations and injuries, sexual assaults, truancy, driving under the influence of alcohol, adolescent crime, motor vehicle crashes, neighborhood vandalism and excessive noise disturbances”.

There is anecdotal evidence provided by cities across the country that suggests social hosting ordinances reduce underage drinking and the frequency with which law enforcement agencies receive calls regarding house party calls where underage drinking commonly occurs. Furthermore, social hosting laws are considered a “best practice” by the following organizations:

- National Research Council
- Institute of Medicine
- Office of Juvenile Justice and Delinquency

### **Existing Enforcement Activities**

The San Antonio Police Department enforces five alcohol-related codes specific to minors which are referenced in the table below. Over the last five years, a total of 2,893 citations have been issued to minors observed violating these codes. Since 2012, there has been an overall decrease of 68% in minor alcohol-related offenses.

<b>Offense</b>	<b>Max. Penalty</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Purchase of Alcohol	\$200.00	1	1	2	0
Attempt to Purchase Alcohol	\$200.00	6	0	0	0
Consumption of Alcohol	\$500.00	416	191	190	95
Driving Under the Influence	\$500.00	52	37	47	42
Possession of Alcohol	\$500.00	674	365	350	230
		<b>1,149</b>	<b>594</b>	<b>589</b>	<b>367</b>

### **Proposed Ordinance**

The purpose of the proposed ordinance is to:

- Protect public health, safety and general welfare
- Promote reduction of underage drinking
- Facilitate enforcement of laws prohibiting alcohol consumption and possession by minors
- Impose civil fee to offset costs associated with providing emergency services to gatherings involving underage drinking

Individuals cited for a first violation will be subject to a civil penalty not to exceed \$300.00. Subsequent violations will result in a civil penalty not to exceed \$500.00. Multiple violations within a six month period will result in the individual being liable for the cost of providing public safety services (fire, ambulance, law enforcement).

### **RECOMMENDATION:**

Staff recommends that City Council adopt the proposed social hosting ordinance to effectively address issues related to underage drinking.

