



Presents:

If You're Not 21, Don't Go On The Beer Run

The law says...

Ohio Revised Code 4301.69(E) states, in part: No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. [...]

ORC 4301.69 specifically defines “underage person” as a person under the age of twenty-one years.

Violation of this code is a first degree misdemeanor (M1) offense with maximum potential penalties of 180 days in jail and fines up to \$1,000.00 for each offense.

Furthermore, a conviction of any offense in Ohio is not eligible to be sealed for at least one year from the date of conviction and will remain on your record and as public information for employers and higher education institutions to see during that time.

Underage persons in Athens may be at a higher risk of citation when considering the number of law enforcement agencies: Athens Police Department, Ohio University Police Department, Athens County Sheriffs Office, State Highway Patrol, and the Department of Public Safety (also known as “Liquor Control” or “undercover agents”). Liquor control agents often wait outside liquor stores (Kroger), carry-out stores and gas stations wearing plain clothing. They may look like other students, both male and female, but they are looking for people committing alcohol violations. They will also be present in bars, sometimes even sitting at the bar.

While simply looking young is not enough probable cause for a law enforcement officer to initiate a stop, commonly-linked activities like passing money outside of a store that sells alcohol is enough. If an officer has reason to believe you have committed an offense, they will approach you.

The best advice is for underage persons simple: **Do not go on the beer run if you are under 21.**

If you do, and you are approached by law enforcement, do provide your name and address (this is required) but do not answer any additional questions. It is your right to ask to speak to an attorney and to refuse to answer additional questions. You can also refuse permission to be searched, but the officer may still have a lawful right to search you.

Please read on for additional tips and information.

1. Don't pass money between each other in public, in front of carry-out or liquor stores, especially before, or after, a friend has gone inside to purchase alcohol. Waiting outside or in the car is not safe enough. Passing money between each other provides law enforcement with suspicion that you are breaking the law.

2. Don't hand off or take alcohol from someone after they leave the carry-out or store. Underage possession of alcohol is illegal. If law enforcement sees this happen, they may follow up.

3. Once the person purchasing alcohol returns to the car, **do not drop them off while keeping the alcohol in the car.** Again, underage possession of alcohol is illegal. If someone who is at least 21 years old is in the car, they may be able to claim they are in possession of the alcohol. This would not prevent law enforcement from citing underage persons in the car, but having no of age person in the car certainly makes it easier for law enforcement to cite the underage persons.

4. If you have been stopped by law enforcement, remember that you have the right to remain silent. Law enforcement may stop you, separate a group from each other, and threaten to take you to jail unless one of you admits that someone bought alcohol for underage friends. You can be cited with a crime even if you do not admit to it. Just remember that receiving a citation does not mean you will be convicted, but admitting to a crime will make it more difficult for your attorney to defend you.

5. Don't lie, but no one should admit to anything. Give the officer your name, address and some form of identification that has your picture on it. If you are driving a car you do have to provide your driver's license, but otherwise you can provide another form of I.D., like your student I.D. You do not have to provide identification that shows your date of birth. **Do not present a fake I.D. to law enforcement in place of your real I.D.** Doing this can lead to other potential citations.

If you are 21... ORC 4301.69(A) states, in part: [...] no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person [...] unless the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian.

Violation of this code is a first degree misdemeanor (M1) offense with maximum potential penalties of 180 days in jail and fines up to \$1,000.00 for each offense.

You are not doing your underage friends a favor by buying or providing alcohol. You are risking that both of you will be cited with charges.

Being a sibling of an underage student does not make you that student's legal guardian.

Having a doorman at a party also does not prevent you from potential citations if underage persons are drinking in your residence.

The best advice is for of age persons is simple:

Do not provide alcohol for persons under 21.

****Special note for parents.**** You are able to buy alcohol for your children if you are supervising them while they drink. You can buy them a drink at a restaurant, bar, etc. You can allow them to drink at a private residence while you are present and conscious. You **cannot buy alcohol for or supervise someone else's children**. You **cannot buy alcohol for your children to use while not in your supervision**. If you buy drinks while at a restaurant and then part ways later, your child may still be cited for being under the influence in public. If you buy drinks to have at a private residence, take them with you when you leave. Do not allow your children to use your credit card to buy alcohol: this does not constitute you buying the alcohol.

THE CENTER FOR STUDENT LEGAL SERVICES DOES NOT ENCOURAGE ANYONE TO VIOLATE THE LAW. WE DO NOT CONDONE OR ENCOURAGE UNDERAGE OR HIGH RISK DRINKING. WE DO BELIEVE THAT YOU SHOULD KNOW YOUR LEGAL RIGHTS AND BE FREE FROM UNDUE HARASSMENT.

This flyer does not constitute legal advice, nor is it intended as a substitute for legal advice. Always consult an attorney if you have questions concerning the law or your legal rights.