

SESSION OF 2009

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2165**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2165, as amended, would expand the crime of unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage to include recklessly permitting a person's land, building, structure or room owned, occupied or procured by such person to be used in such a manner that results in the possession or consumption of alcoholic liquor or cereal malt beverages by a minor.

The penalty would be a class A person misdemeanor, with a minimum fine of \$1,000. If the court sentences the offender to perform community service work as a condition of probation, the court would be required to consider ordering the offender to serve the community service at an alcohol treatment facility.

The bill would provide that no civil liability is created for any lodging establishment.

**Background**

The proponents of the bill, as introduced, who testified at the House Committee were Representative Joe Patton; Deputy Desiree Wright, Shawnee County Sheriff's Office; Sally Zeller, on behalf of the Shawnee Regional Prevention and Recovery Services, Inc. and Safe Streets Coalition; and Michelle Cutrer, private citizen.

The opponents of the bill, as introduced, who testified at the House Committee were Ron Hein, Kansas Restaurant and

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Hospitality Association; and Melissa Johnson, Assistant Seward County Attorney on behalf of the Kansas County and District Attorneys Association.

The House Committee amended the bill to add a provision that would provide that no civil liability is created for any lodging establishment.

According to the fiscal note on the bill, as introduced, it has the potential for increasing litigation in the courts because of the violation amended by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.