

Underage drinking a big problem for us all

Order In The Court

Judge Esther Barger



What comes to mind when I say the words "underage drinking"? Most people may think something like "What's the big deal?", or "hey, everybody does it" or "just some kids having a little fun, what does it hurt?" Those are some typical prevailing attitudes about underage drinking. Texas in general has a more relaxed attitude toward drinking than many other states.

However, the unfortunate reality is that underage drinking is a real and serious problem facing the State of Texas today. The most recent data we have available is for 2005, when underage drinking cost the State of Texas \$5.2 billion dollars. That's billion with a B.

Let's discuss some common legal questions about underage drinking.

Who gets charged with minor in possession? The most common way this happens is there is beer in a car with several kids. All say "it isn't mine". The officer will make a determination as to who has what is called care, custody and control of the alcohol. Several factors are used, such as whose car it is or how much alcohol there is. Law enforcement typically won't write 4 MIPS for one beer, but very well may for a six pack.

Another situation is the pasture party or house party where someone rents a keg and charges for cups. If you are at a party where alcohol is being served and you are a minor, you are placing yourself in a dangerous situation, as far as getting an MIP. Keep in mind, the fact that you haven't had anything to drink doesn't help you on an MIP. A Minor in Consumption says you drank alcohol, MIP just says you possessed it.

Then there is what is referred to as key parties, where kids gather and one parent supposedly gives permission to all kids to drink, as long as they turn in their keys and don't leave. This is also illegal. A parent can give permission to their OWN child to possess and consume alcohol, but not anyone else's child. Additionally, the parent has to have their child in their **VISIBLE PRESENCE** while they possess or consume the beverage.

So how prevalent is underage drinking in Texas? How many kids are really out there drinking? It is as bad as we are making it?

No. It is worse.