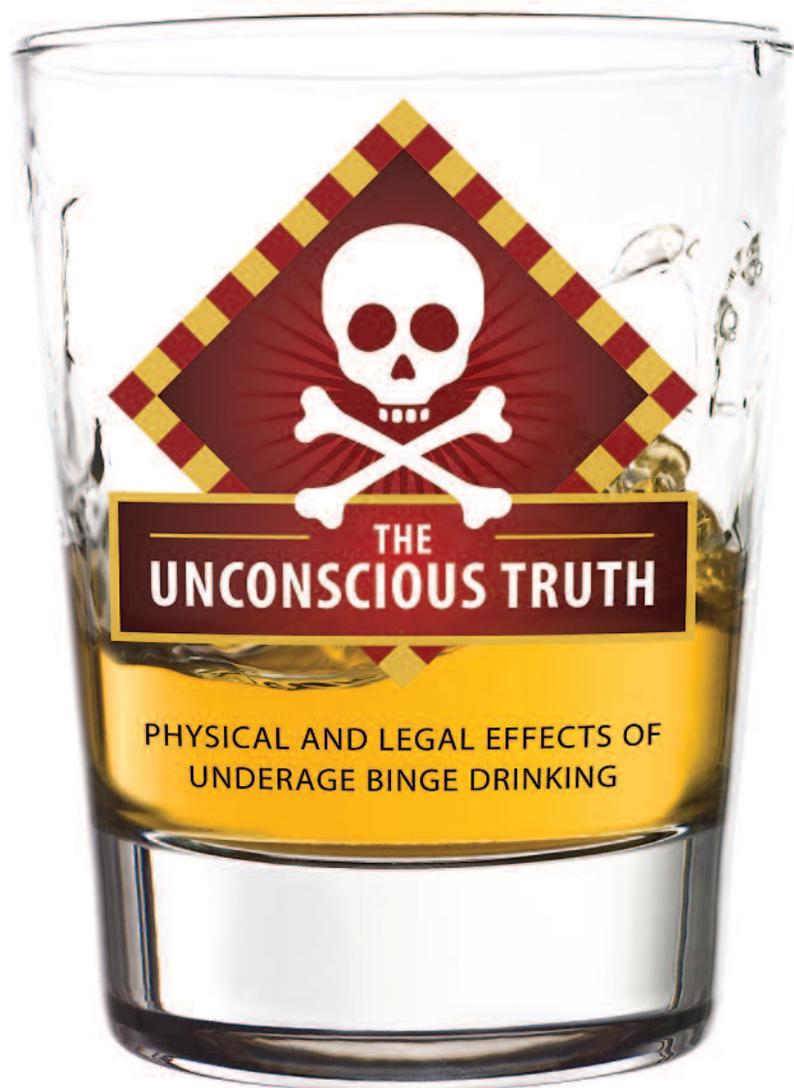


# A Guided Classroom Discussion



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## INTRODUCTION

“The Unconscious Truth: Physical and Legal Consequences of Underage Binge Drinking” combines the real-life story of Shelby Allen who died of underage binge drinking and alcohol poisoning, as told by her parents, and a professionally produced DVD video explaining underage binge drinking, the physical effects of underage binge drinking, the signs of alcohol poisoning and the legal consequences which may include arrest and jail for violating Texas laws.

“The Unconscious Truth: Physical and Legal Consequences of Underage Binge Drinking” is a two-part project aimed directly at minors between the ages of 14 and 21 and their parents to inform them about the physical effects underage binge drinking, which can cause death; and, to educate them about the legal consequences for allowing or participating in underage drinking. The physical consequences portion of the project directs the group to the warning signs of alcohol poisoning, how to recognize these signs and that the appropriate reaction to the signs is to immediately call 911 and seek help for the person exhibiting the signs. The legal consequences portion of this project directs the group to the laws governing underage drinking and the laws governing parents allowing underage drinking in their home. The project also covers the State’s newly enacted immunity laws that provide immunity from prosecution if a person calls 911 and seeks medical attention for someone showing the signs of alcohol poisoning.

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# THE UNCONSCIOUS TRUTH

## The Physical and Legal Consequences of Underage Binge Drinking

### A Guided Discussion

#### GUIDED DISCUSSION AIM:

Based on TYLA's *The Unconscious Truth* and other materials, a guided discussion of the physical and legal consequences of underage binge drinking will enable students to learn about, analyze, and discuss issues related to drinking 4-5 alcoholic beverages in a short amount of time.

#### OBJECTIVES:

At the end of the video and guided discussion, students should have a basic understanding of the following:

1. Key concepts related to underage binge drinking;
2. Symptoms of alcohol poisoning;
3. Criminal offenses related to underage binge drinking;
4. Civil actions related to underage binge drinking;
5. Potential criminal consequences related to underage binge drinking;
6. Potential civil consequences related to underage binge drinking; and
7. 911 immunity.

#### MATERIALS:

1. *The Unconscious Truth: The Physical and Legal Consequences of Underage Binge Drinking*;
2. Definitions handout;
3. Criminal and Civil Consequences handout; and
4. Guided Discussion handout (based on the video and other scenarios)

#### SUGGESTED USE OF MATERIALS:

The suggested use of the materials is for the group watching *The Unconscious Truth* to become engaged in the laws addressed in the video and included in the attached materials. They will be called upon by the group leader to discuss what they observed and how the laws affect those in the videos, as well as themselves. They will also be asked to put themselves into the situation observed in *The Unconscious Truth* and make additional choices that could have prevented the outcome in the video. There are two additional and real-life scenarios common with underage binge drinking included, and they will be asked to put themselves in those situations and evaluate the laws and outcomes of those case studies.

It is recommended that you make copies of the Definitions and Criminal and Civil Consequences handouts for all the class or group members.

**TEKS COMPETENCIES:** Government 14A; 14C; 22A-B  
Sociology 7B; 21B-C  
Health 5C; 6A; 7A-B; 7F; 8A; 14A; 16D



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# GUIDED DISCUSSION QUESTIONS

## **Case Study 1: Criminal v. Civil Laws and Penalties facing the Boyd Family and Cameron**

**Goal:** The goal of this discussion is for the group to learn the differences between civil and criminal laws, the differences in their consequences and penalties, and to apply those laws and consequences to the issues presented in *The Unconscious Truth*. At the end of the discussion, we hope the group has a better understanding of the laws and consequences affecting underage binge drinking and the confidence to call for help if they, or anyone they observe, all exhibiting the signs of alcohol poisoning.

**Method: Group leaders should:** (a) hand out copies of the Definitions and Criminal and Civil Consequences; (b) discuss with the group the answers to the questions posed in this Guided Discussion, and if needed, provide hints as to the answers and where to locate those answers; (c) keep the group on topic with the Definitions and Consequences handout because that is where most answers will be found; and, (d) make sure they go through both the health and physical effects and consequences of binge drinking, as well as the legal effects and consequences.

### **PART I: What is the difference between criminal laws and penalties versus civil laws and penalties?**

- (1) What is main the difference between a criminal statute and a civil statute?

**ANSWER:** A criminal statute applies to a person who breaks a federal, state, or local law governing criminal acts by individuals or groups of individuals and can only be prosecuted by a city, state, or federal government agency or body of police; such as FBI, Texas Rangers, State Troopers, and local police officers and sheriff's departments.

A civil statute applies to a person who violates a duty owed to another person that is defined by state or federal law, and a civil statute can be prosecuted directly by the person injured. The person injured can hire the attorney of their choosing to represent them directly and files their claim either through an agency or in state or federal civil courts.

- (2) What are the consequences that can occur in a criminal proceeding that cannot occur in a civil proceeding?

**ANSWER:** A person can be fined and placed into custody/jail/confinement.

- (3) What are the consequences that can occur in a civil proceeding that cannot occur in a criminal proceeding?

**ANSWER:** A person can be ordered to pay monetary compensation for injuries sustained, such as doctors' bills, pain and suffering, and damages to property and attorney's fees, as well as punitive damages.

- (4) What are the key differences between a criminal proceeding and a civil proceeding?

**ANSWER:** In a civil proceeding the person injured hires their own attorney and can sue for only money for their injuries and damages. In a criminal proceeding the injured person/victim is represented by the government and the person who caused the injuries or damages may be put in jail.

**NOTE & DISCUSS:** Restitution can be ordered in a criminal proceeding to compensate the victim, but it is only for property damages or direct monetary losses sustained from the criminal act. It DOES NOT include

payments for pain and suffering, emotional distress, loss of income, loss of consortium (loss of a loved one), attorney's fees incurred by the injured person/victim, or any punitive/exemplary damages. These types of damages are ONLY allowed in civil proceedings.

**PART II: Criminal Laws and Penalties:** Review the Definitions and Criminal and Civil Consequences handout, chart, discuss, and answer the following questions:

- (5) What are the criminal statutes, if any, contained the Definitions and Criminal and Civil Consequences handouts that you think apply to Hannah; the Boyds; and, Cameron? List each one you think applies.

**ANSWER:**

**HANNAH:** Minor in Possession; Minor's Consumption of Alcohol; Public Intoxication could apply if she was in the view of the public; Criminally Negligent Homicide; and/or Furnishing Alcohol to a Minor

**BOYDS:** First, Mrs. Boyd was not arrested or charged in the video, so the group should and needs to make that distinction and decide if she should have been charged the same as Mr. Boyd. Then, the criminal statutes that apply are: Criminally Negligent Homicide; and/or Purchasing and Furnishing Alcohol to a Minor

**CAMERON:** Minor in Possession; Minor's Consumption of Alcohol; Public Intoxication could apply if he was in the view of the public; Criminally Negligent Homicide; and/or Furnishing Alcohol to a Minor

- (6) Pretend you are a jury member in the criminal proceeding from the video and decide what criminal consequences, if any, you think should be applied to Hannah; the Boyds; and, Cameron? List each consequence that should be levied, as well as the amount of time and/or fine that they should be punished for, if applicable.

**ANSWER:** Up to the group because there is no correct or incorrect answer for them as long as they back up their findings with the Definitions and Consequences handouts.

- (7) Do you think anyone else at the party should be held criminally responsible for what occurred at the party and with Shelby?

**ANSWER:** Up to the group because there is no correct or incorrect answer for them as long as they back up their findings with the Definitions and Consequences. They should look at the Mother who was not officially charged, as well as any of the other participants at the party.

- (8) If you were a criminal prosecutor, what criminal offenses, if any, would you charge Hannah; the Boyds; and, Cameron?

**ANSWER:** Up to the group because there is no correct or incorrect answer for them as long as they back up their findings with the Definitions and Consequences handouts.

- (9) If you were the criminal judge, how would you sentence each person in the video?

**ANSWER:** Up to the group because there is no correct or incorrect answer for them as long as they back up their findings with the Definitions and Consequences handouts.

- (10) If you were a criminal trial jury member, how would you vote if the prosecutor sought the maximum criminal consequences for each offense listed in Questions 5 and 6 above? Please list each person you think is criminally responsible under the applicable Criminal Consequence and the criminal consequence you would find for each person.

**ANSWER:** NOTE that this question asks for the class to assume that the prosecutor sought the maximum penalties, so the class is to decide if the acts of the people warrant such a maximum penalty and to discuss “why” or “why not” such a penalty should not be leveraged. Up to the group because there is no correct or incorrect answer for them as long as they back up their findings with the Definitions and Consequences handouts.

- (11) What if Hannah and Shelby did not get the bottles of vodka from the liquor cabinet? Would that change your mind about any of the criminal laws or consequences they are or could be charged with? If so, why does that make a difference?

**ANSWER:** Direct the class to the criminal negligence and negligent homicide statutes in the Consequences and Definitions handouts and see if that negates any of those elements.

- a. What if the Boyds had locked the liquor cabinet and the girls broke into the cabinet? Or, what if only beer was available and no liquor was in the house?
  - b. Do you think Shelby would have gotten alcohol poisoning and died if there was no liquor in the house, or if they had not gotten into the liquor cabinet?
- (12) Prepare a quick presentation to the group over you answers to these questions and be prepared to back up your positions and answers.

**ANSWER:** Up to the group to state what they thought about the above questions and answers, the video itself, and for them to back up their findings with the Definitions and Consequences handouts.

**PART III: Civil Laws & Penalties: Review the Definitions and Criminal and Civil Consequences handouts and chart and discuss and answer the following questions:**

- (1) What are the civil consequences, if any, as contained the Definitions and Criminal and Civil Consequences handouts that you think should be applied to Hannah; the Boyds; and, Cameron? List each one you think applies and how much should be levied, if a monetary award is made.

**ANSWER:**

**HANNAH:** Wrongful Death Action; Negligence and Personal Injury; but, more than likely would not be held liable for Social Host action because she is not the owner of the house.

**BOYDS:** First, the group needs to make the distinction that Mrs. Boyd was not arrested and possibly not charged criminally, but that she COULD be held liable civilly. Both her and Mr. Boyd could be held liable for Wrongful Death Action; Social Host Action because they are the property owners; and Negligence and Personal Injury.

**CAMERON:** Wrongful Death Action; Negligence and Personal Injury; but, more than likely would not be held liable for Social Host action because he is not the owner of the house.

- (2) What civil consequences, if any, do you think should be applied to Hannah; the Boyds; and, Cameron?

**ANSWER:** Up to the group because there is no correct or incorrect answer for them as long as they back up their findings with the Definitions and Consequences handouts on civil liability issues. But, they need to look at the amount of money that could be levied and look at all the types of monetary claims allowed under “civil liability” in the Definitions sections for pain and suffering, emotional distress, loss of income, loss of consortium (loss of a loved one), attorney’s fees incurred by the injured person/victim, or any punitive/exemplary damages. These types of damages are ONLY allowed in civil proceedings. EACH ONE has a monetary value that can be applied.

- (3) Do you think anyone else at the party should be held civilly responsible for what occurred at the party and with Shelby?

**ANSWER:** Up to the group because there is no correct or incorrect answer for them as long as they back up their findings with the Definitions and Consequences handouts on civil liability issues. But, they need to look at the other kids at the party as a whole.

- (4) If you were a civil attorney and the parents of Shelby were your clients, what civil offenses, if any, would you sue Hannah for; the Boyds for; and Cameron for?

**ANSWER:** Up to the group because there is no correct or incorrect answer for them as long as they back up their findings with the Definitions and Consequences handouts on civil liability issues.

**NOTE:** They need to look at their answers to questions 5 and 6 and use that as a guideline, and also ask them to state “how much” they would sue each of the people for and why they chose that amount.

- (5) If you were a civil judge, how much would you award Shelby’s family as an award against each person in the video that you think is responsible?

**ANSWER:** This is a simple monetary sum that is up to the group because there is no correct or incorrect answer, but they definitely need to back up their findings with the Definitions and Consequences handouts on civil liability issues because this is a great discussion topic as to “why” they awarded that amount.

- (6) If you were a civil jury member, how much, if any, would you award to Shelby’s family for the acts of each person you think is civilly responsible? Please list each person you think is civilly responsible under the applicable Civil Consequences and the amount you would award each and why.

**ANSWER:** Again, this is a simple monetary sum that is up to the group because there is no correct or incorrect answer, but they definitely need to back up their findings with the Definitions and Consequences handouts on civil liability issues because this is a great discussion topic as to “why” they awarded that amount.

- (7) How would you decide any civil liability against the Boyds or Hannah if there was no liquor in the Boyd home?
- a. Would you decide any different?
  - b. Would you hold them liable for negligence for beer alone?
  - c. Would you hold them liable for wrongful death?

- (8) **COMPARATIVE FAULT:** In a civil proceeding the Boyds could apportion responsibility to Shelby and/or her parents and you the jury could allocate Shelby and/or her parents a percentage of responsibility. This is called comparative fault.
- If you could do that, what percentage would you place on Shelby for her own death?
  - What percentage would you place on Shelby's parents, if any?
  - If you award over 50% to either, then under Texas law the Boyds and Hannah would not be liable for any negligence or wrongful death.
- (9) Prepare a quick presentation with your answers to these questions and be prepared to defend your answers.

**ANSWER:** Up to the group to state what they thought about the above questions and answers, the video itself, and for them to back up their findings with the Definitions and Consequences handouts.

### **Case Study 2: Matthew O'Connor**

Matthew O'Connor was a 17-year old junior in high school. He was a popular high school student who played baseball and was active in his community. One Saturday night in October, Matthew decided to attend a Halloween party with some of his friends from school. His friend, Jacob Langford, had the Halloween party at his house because his parents were out of town. Jacob obtained some tequila from his parents' liquor cabinet, and his 21-year old cousin bought a couple of cases of beer for the party. After attending a different, non-alcoholic party, Matthew went home and then snuck out of his house in order to attend Jacob's party. Matthew took a bottle of wine to the party.

After partying and consuming alcohol at Jacob's house, Matthew started walking home about 2:00 a.m. (he lived just a couple of blocks from Jacob). Matthew stumbled and ended up passing out in the street. Shortly thereafter, a truck hit Matthew in the street. The driver called 911 and reported the incident. Matthew did not survive, and tests revealed that his Blood Alcohol Content was .231 (which is almost three times the Texas legal limit). The driver who hit Matthew was not criminally charged because he could not avoid the accident.

Based on this scenario, please discuss and answer the following questions:

- (1) Why would it matter whether or not Jacob's parents knew he would be having a party with alcohol available when they were out of town?

**ANSWER:** Under the Civil Consequences handout, Jacob's parents could be held civilly liable for Negligence, Wrongful Death, and Social Host if they "knew" alcohol would be made available at their house even if they were out of town. The law for each of those is if the parent's "knew" or "allowed" alcohol to be served and under "negligence" law the parents had a "duty" to make sure or prevent alcohol from being served on property that they owned or controlled (i.e., rented).

Under the Criminal Consequences handout, the same is true. If they "knew" or "allowed" alcohol was to be served on their property to minors, then they MAY be held liable for Furnishing Alcohol to a Minor and Criminal Negligence Homicide.

**NOTE:** Again, the law is always a gray area and they may not be charged or convicted for these, but they certainly could be charged with them. It's up to the class to discuss and decide if they think these are applicable and why

or why not. If the parents did not have any knowledge and/or took steps to prevent the alcohol from being taken and used, then they would have a solid defense and may not be prosecuted under civil or criminal laws.

- (2) Do you think Jacob committed a crime by providing alcohol from his parents' liquor cabinet to his guests? If so, what crime?

**ANSWER:** Another gray area, but he could be charged for Criminally Negligent Homicide; Furnishing Alcohol to Minor; Public Intoxication; and, if Jacob is under 21 (doesn't say) then Consumption of Alcohol by a Minor, or Minor in Possession – MIP.

- (3) Do you think Jacob may have social host liability because he hosted the party for his friends?

**ANSWER:** No– he is not adult and only adults who own or possess the premises can be held liable under Social Host Liability laws.

- (4) Did Jacob's 21-year old cousin commit a crime by purchasing alcohol for the party?

**ANSWER:** Yes. He committed the following: Furnishing/Purchasing Alcohol for Minor, and may be held criminal liable for Criminally Negligent Homicide.

- (5) Do you think Matthew in any way contributed to his own death? If so, how and why would this matter?

**ANSWER:** With regards to the first part of the question and did he contribute, that is up to the group for discussion.

**NOTE & DISCUSSION:** With regards so the second part, this would not matter in a criminal proceeding, but in a civil proceeding a defendant is allow to designate responsibility to the plaintiff/victim. So, in a civil proceeding Jacob or his cousin could state Matthew's own "negligence" contributed to his death, and if a jury found that he was over 50% responsible then Matthew's family and Matthew's estate would not be entitled to recovery, or any recovery would be reduced by the percentage of Matthew's responsibility that the jury may award. For example, if Matthew is found 25% responsible, then any monetary award is reduced by 25%.

### **Case Study 3: Lauren Thompson**

Lauren Thompson is a 19-year old sophomore in college. When she was a freshman, she went back to her hometown for the break in between the fall and spring semesters. Her mother, Karen Thompson, wanted Lauren to have her friends over for a party so that they could all catch up. Many of Lauren's friends were still in high school. Thinking it would be a safe environment for a party, Karen provided some beer and made some Jello shots for the party-goers. All party goers did shot after shot of the Jello shots because they were not able to taste the alcohol contained in them. After the party, one of Lauren's friends, Adam Griffin (who was 17 at the time), stumbled out of the house and drove three other friends (also 17 years old) who were at the party to Whataburger. On the way to Whataburger, Adam lost control of his vehicle and wrecked. Adam survived the wreck (although, he was injured), but two friends in the vehicle did not survive the accident. Tests revealed that Adam had a Blood Alcohol Content of .255.

Based on this scenario, please discuss and answer the following questions:

- (1) What crime(s) did the party-goers probably commit (not Karen)?

**ANSWER:** Consumption of Alcohol by a Minor; Possession of alcohol by a Minor- MIP; Public Intoxication by going to Whataburger; Driving While Intoxicated; Intoxicated Assault to Adam; Intoxicated Manslaughter with Adam; and, all MAY be held liable for Criminally Negligence Homicide, but this is open for debate and discussion.

- (2) Do you think Karen Thompson's actions subject her to any criminal and/or civil consequences? If so, what criminal and/or civil consequences?

**ANSWER:** Under the Criminal Consequences handout, she could be held liable for Purchasing/Furnishing Alcohol to a Minor and Criminally Negligent Homicide. Under Civil Consequences, she could be sued for Wrongful Death, Social Host Action, and Negligence.

- (3) Do you think Adam Griffin could potentially be charged with a crime? If so, what crimes? Do you think he could also be civilly liable?

**ANSWER:** He could be charged with: Consumption of Alcohol by a Minor; Possession of alcohol by a Minor- MIP; Public Intoxication by going to Whataburger; Driving While Intoxicated; Intoxicated Assault; Intoxicated Manslaughter; and/or, Criminally Negligence Homicide.

**IMMUNITY & PHYSICAL SIGNS OF ALCOHOL POISONING: Use all 3 Case Studies with the Signs and Symptoms of Alcohol Poisoning and the "911 Immunity" provisions that allow for immunity.** Using the Definitions handout and the information provided in *The Unconscious Truth*, you are to determine the following:

- (1) What signs and symptoms of alcohol poisoning were exhibited in the video?

**ANSWER:** As taken from the Definitions handout: vomiting, incoherent, unresponsive, or unconscious, low temperature or cold, absence of color or pale skin, slow breathing, and seizures or shaking.

- (2) What was the first sign exhibited by Shelby?

**ANSWER:** Incoherence, stupor, and confusion that led to her stumbling off and vomiting.

- (3) When should have 911 first been called?

**ANSWER:** When Shelby showed any one of the symptoms from Answer 1 above. Hannah should have never allowed Shelby to "go to sleep" and should have made sure Shelby was responsive at all times.

- (4) Why should 911 have been called at this time?

**ANSWER:** Because that is the FIRST time a symptom of alcohol poisoning was exhibited by Shelby and this was when she became in danger of dying from alcohol poisoning. During this time and especially when she became unresponsive, her body could no longer process the alcohol on its own and she needed medical assistance. Her life could have been saved if 911 had been dialed and treatment sought by her friends at the party.

- (5) Who should have called 911 first, and who saw the first symptoms of Shelby's alcohol poisoning?

**ANSWER:** Anyone at the party, but especially Hannah who noticed her stumbling first.

- (6) What would the police and authorities have done with the person who called 911? What would they have been charged with criminally?

**ANSWER:** The 911 caller would have received immunity from all possible alcohol offenses, which include: Minor in Possession; Minor's Consumption of Alcohol; Public Intoxication (applicable if she was in the view of the public); Criminally Negligent Homicide; and/or Furnishing Alcohol to a Minor.

**NOTE & DISCUSSION:** If Hannah's parents had checked on the kids and noticed Shelby's condition, and called 911, then the parent that called 911 (not both) would have received immunity from criminal charges.

- (7) Were any other symptoms of alcohol poisoning shown by any of the other people at the party?

**ANSWER:** The symptoms of stupor and confusion were exhibited by some of the students that participated in the shot contest, which is the quickest way to get alcohol poisoning and die.

- (8) How could Shelby's death have been prevented? List all steps and ways this tragedy could have been prevented.

**ANSWER:** Prevention, not participating in binge drinking, and calling 911 could have all saved her life!

First, they could have abstained from "Binge Drinking" and not consumed more than 4-5 drinks.

Second, they could have not taken shots. Shots are the fastest way to acquire alcohol poisoning because only a few shots in an hour is binge drinking. In the case of Shelby, it appears the shots of vodka is what caused her alcohol poisoning and ultimately her death.

Third, anyone at the party could have called 911 and Shelby's life would have been saved.

**NOTE & DISCUSSION:** The purpose of the 911 Immunity is to promote kids and adults to call 911 IMMEDIATELY once they see the symptoms of alcohol poisoning.

- (9) What, if anything, would have been different had there only been beer available and the Boyds removed all liquor from the premises? Would Shelby had suffered from alcohol poisoning at the time the beer ran out, which was when Mrs. Boyd came out to say she was going to bed? Is drinking beer only, and in "moderation", a safer alternative to drinking shots of hard liquor? Why or why not?

**ANSWER:** For discussion only.

## GROUP HANDOUT

### Criminal Consequences of Underage Drinking

Criminal offenses	Illegal activities	Criminal Consequences
<ul style="list-style-type: none"> <li>-Purchase of alcohol</li> <li>-Attempt to purchase alcohol</li> <li>-Consumption of alcohol</li> <li>-Possession of Alcohol by a Minor (M.I.P.)</li> <li>-Public Intoxication</li> <li>-Misrepresentation of Age</li> </ul>	<p>A person under 21 commits an offense if he or she purchases, attempts to purchase, uses a fake or fraudulent state issued identification to purchase alcohol, or shows fake identification to an police officer, or consumes an alcoholic beverage (includes minors who are intoxicated in public or who misrepresent their age to obtain alcoholic beverages); Also includes “constructive possession,” which occurs when alcohol is readily accessible to any minor (for example, if a beer can is in a vehicle, any minor in the car can get an M.I.P.).</p>	<p>Monetary fine, community service hours, alcohol awareness class, and driver’s license suspension (all vary depending on if it is a minor’s first, second, or third offense).</p> <p>(If a minor is 17 or older, he or she may also be sentenced to jail.)</p> <ul style="list-style-type: none"> <li>-Purchase of alcohol (Class A misdemeanor)</li> <li>-Attempt to purchase alcohol (Class C misdemeanor)</li> <li>-Consumption of alcohol (Class C misdemeanor)</li> <li>-Possession of Alcohol by a Minor (M.I.P.) (Class C misdemeanor)</li> <li>-Public Intoxication (Class C misdemeanor)</li> <li>-Misrepresentation of Age (Class C misdemeanor)</li> </ul>
<p style="text-align: center;">Driving While Intoxicated</p>	<p>A person under 21 commits an offense if he or she operates a motor vehicle in a public place while having any detectable amount of alcohol in his or her system (odor on the breath is enough for this offense). This is anything over .01.</p> <p>For persons over 21 the legal limit of BAC is .08.</p>	<p>Class B misdemeanor with confinement from 72 hours to 6 months. Monetary fine, community service hours, alcohol awareness class, and driver’s license suspension (all vary depending on if it is a minor’s first, second, or third offense).</p> <p>(If a minor is 17 or older, he or she may also be sentenced to jail.)</p>
<p style="text-align: center;">Intoxication Assault</p>	<p>A person commits an offense if he or she operates a motor vehicle in a public place while intoxicated and by reason of that intoxication causes serious bodily injury to another by accident or mistake.</p>	<p>Third degree felony, with confinement in jail from 2 to 10 years and/or a fine of up to \$10,000; If granted probation, still must serve a minimum of 30 days in jail and perform a minimum of 160 hours of community service, among other probation conditions.</p>

<b>Criminal offenses</b>	<b>Illegal activities</b>	<b>Criminal Consequences</b>
Intoxication Manslaughter	A person commits an offense if he or she operates a motor vehicle in a public place while intoxicated and by reason of that intoxication causes the death of another by accident or mistake (sometimes the vehicle is considered a “deadly weapon”).	Second degree felony, with confinement in jail from 2 to 20 years and/or a fine of up to \$10,000; If granted probation, still must serve a minimum of 120 days in jail and perform a minimum of 200 hours of community service, among other probation conditions (if the vehicle is found to be a “deadly weapon, the person cannot get probation).
Criminally Negligent Homicide	A person commits an offense if he or she causes the death of an individual by criminal negligence (see definition of “criminal negligence”).	State jail felony, punishable by up to two years in jail and up to a \$10,000 fine.
Sale of Alcohol to a Minor	A person commits an offense if with criminal negligence he or she sells an alcoholic beverage to a minor.	Class A misdemeanor, punishable by up to one year in jail and up to a \$4,000 fine.
Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor	A person commits an offense if he or she purchases or gives an alcoholic beverage with criminal negligence make available an alcoholic beverage to a minor.	Class A misdemeanor, punishable by up to one year in jail and up to a \$4,000 fine.

**CLASS HANDOUT**  
**Civil Consequences of Underage Drinking**

<b>Civil actions</b>	<b>Wrongful activities</b>	<b>Civil Consequences</b>
Wrongful Death Action	A person is responsible when his or her negligence caused the death of another.	Payment of money (amount to be determined by a judge or a jury).
Social Host Action	An adult (other than the minor's parent) is responsible for injuries if he or she knowingly serves or provides to a minor under the age of 18 (or allowed the minor to be served or provided any of the alcoholic beverages that contributed to the minor's intoxication).	Payment of money (amount to be determined by a judge or a jury).
Negligence and Personal Injury	<p>To support a civil claim for negligence, you must prove a duty is owed to the person injured; that duty was breached by the person causing the injury; an injury did in fact occur; and the injury was proximately caused by the acts of the person being sued. For purposes of this definition, the term "duty" means a legal duty that one person owes to another, and a duty to not injure another.</p> <p>A "personal injury" claim is when someone is injured, either physically and/or emotionally by the negligence of another.</p>	Payment of money (amount to be determined by a judge or a jury) for the damages and injuries caused by the negligence.



# GROUP HANDOUT

## Definitions

**alcoholic beverage:** a beverage with more than a half percent alcohol by volume and is considered one serving of an alcoholic beverage, which includes: (a) 12 ounces of beer, or a single can or bottle of beer; (b) 5 ounces of wine, or a single glass of wine; (c) or 1.5 ounces of “hard liquor”, or a single shot of liquor

**alcohol poisoning:** a medical condition in which a toxic amount of alcohol has been drunk, usually in a short period of time; symptoms of alcohol poisoning include ANY one of the following: (1) vomiting; (2) incoherent, confusion, stupor, unresponsive, or unconscious; (3) low temperature or cold; (4) absence of color or blue or pale skin; (5) slow or irregular breathing, which could be less than 8 breathes a minute; and/or (6) seizures or shaking

**binge drinking:** consuming 4-5 alcoholic beverages (or more) in a short span of time, which is considered “an occasion” and usually in less than two hours

**blood alcohol content (BAC):** refers to a metric of alcohol intoxication, usually expressed as a percentage of alcohol in the blood (for instance, a BAC of .10 means that 10% of a person’s blood, by volume, is alcohol); in Texas, the maximum legal BAC for adults over 21 is .08, but for minors (persons under the age of 21) the BAC is anything over .00

**civil liability:** potential legal responsibility of a person for payment of monetary damages or other court-enforcement in a civil lawsuit, such as wrongful death action where a plaintiff brings a lawsuit against a defendant for money damages for the death of a spouse, child and on behalf of the deceased, and also includes monetary claims for pain and suffering, emotional distress, loss of income, loss of consortium (loss of a loved one), attorney’s fees incurred by the injured person/victim, or any punitive/exemplary damages. These types of damages are ONLY allowed in civil proceedings

**criminal liability:** potential fine and/or confinement resulting from a legal responsibility that arises out of breaking a criminal law by committing a criminal act (i.e., the prosecution represents the state in cases against the accused defendant who violated the law)

**criminal negligence:** occurs when a person ought to be aware of a substantial and unjustifiable risk that certain circumstances exist or that a certain result will occur; the risk must be of the nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances

**immunity:** protection from prosecution in exchange for certain conduct (for example, immunity from charges for underage drinking for the first person who calls 911 when another person is exhibiting symptoms of alcohol poisoning); in Texas, the law is called the “**911 Lifeline” law**, and it states that a minor under the age of 21 will not be prosecuted and is immune from prosecution by police if he/she notices signs of alcohol poisoning and calls 911 because he/she is concerned that someone they are with has alcohol poisoning; but, the law only applies to the first person who calls 911 and does not include other possible offenses that may be occurring such as drug possession or illegal weapons possession

**minor:** for purposes of alcohol-related offenses, any person under the age 21

**negligence:** in civil causes of action, it refers to the failure to use reasonable care; doing or not doing something which a reasonably prudent person would or would not do under similar circumstances; more specifically, it means a duty is owed to the person injured; that duty was breached by the person causing the injury; an injury did in fact occur; and the injury was proximately caused by the acts of the person being sued. For purposes of this definition, the term “duty”

means a legal duty that one person owes to another, and a duty to not injure another (i.e., a person causing a car accident has a duty to all persons on the road to not cause such an accident, which may be the result of a “negligent” act such as texting, talking on cell phone, etc.)

**social host:** refers most often to a private individual who serves alcohol in a non-commercial setting (for example, a homeowner serving alcohol in his or her home) social host liability: potential legal responsibility for social hosts, either criminally and/or civilly, as a result of their serving alcohol to minors (and serving adults under some circumstances)

**wrongful death:** civil law action brought against a person when the person’s wrongful act, neglect, carelessness, unskillfulness, or default causes another person’s death



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