

ALBUQUERQUE CRIMINAL LAWYER BLOG

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Graduation Parties and Alcohol: A Night to Remember

During the graduation season, many parents are tempted by the constant pleading/nagging of their new graduates to allow the kids to drink at the graduation parties. It seems to be pretty common. However, the criminal penalties are anything but common. In Albuquerque, where the party patrol is always on the beat, the risks simply are not worth it.

Serving minors alcohol is charged as the 4th degree felony under NMSA §60 7B-1E for selling or giving alcoholic beverages to minors. It is typically also charged as contributing to the delinquency of a minor under NMSA §30-6-3, also a 4th degree felony. Each carries felony sentencing. As 4th degree felonies, each count is punishable by up to 18 months in prison and a \$5000 fine. In the event that person is charged with both offenses, there is a total maximum exposure of 36 months and \$10,000 in fines. Finally, each violation may be charged separately, i.e. one count for each kid present and served alcohol.

A minor is defined as anyone under the age of 21 years of age. Oddly, anyone 18 or over can be charged with contributing to the delinquency of a minor. As a result, it is possible that both the parents, and some of the kids present at the party can be charged as co-conspirators.

Perhaps it is hard for some parents to say no to their kids. Being the cool parent can be very costly. The prosecutors take these cases pretty seriously, and routinely file these charges. The judge and prosecutor both would be particularly unforgiving in cases involving other alcohol related incidents. It takes little imagination to imagine all the possible shenanigans a drunk teen can get into such as fights, sex related offenses, and accidental injury to name a few.

Any of these could create both severe criminal consequences and if that does not get one's attention, the possible civil liability could be catastrophic. For instance, and reasonably foreseeable, one of the drunk teens could get in a drunk driving accident killing his or herself, the passengers, or other innocent drivers. In addition to the civil liability, the parent could then be facing even greater criminal charges and penalties.

Assuming this is not enough to convince your kid that you are making the right choice, try this. Tell him or her if you go down, you're taking him or her with you. And even if it is not your intended result, this may be the result anyway if your kid is 18 or over. Graduation is a time to remember. Let it be for the right reasons.

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