

ILLINOIS OFFICIAL REPORTS
Appellate Court

People v. Haase, 2012 IL App (2d) 110220

Appellate Court Caption THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. DANIEL D. HAASE, Defendant-Appellant.

District & No. Second District
Docket No. 2-11-0220

Filed August 8, 2012

Held Defendant's conviction for consumption of alcohol while under the age of 21 was reversed where the evidence established that he consumed the alcohol with his mother's approval and while under her direct supervision, and even though he was arrested after he had left the scene of his consumption and still had alcohol in his system, the parental-supervision exemption applied.

(Note: This syllabus constitutes no part of the opinion of the court but has been prepared by the Reporter of Decisions for the convenience of the reader.)

Decision Under Review Appeal from the Circuit Court of Boone County, No. 09-CM-197; the Hon. John H. Young, Judge, presiding.

Judgment Reversed.

ANALYSIS

¶ 7

¶ 8

On appeal, defendant argues that the trial court erred in finding him guilty, because his conduct fell within the parental-supervision exemption provided for in the statute. Section 6-20(e) of the Liquor Control Act of 1934 (Act) (235 ILCS 5/6-20(e) (West 2008)) provides that “[t]he consumption of alcoholic liquor by any person under 21 years of age is forbidden.” The Act further provides, however, that “the consumption [of alcoholic liquor] by a person under 21 years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited by this Act.” 235 ILCS 5/6-20(g) (West 2008).

¶ 9

According to defendant, he was subject to this parental-supervision exemption because his mother supervised and approved of his consumption of a glass of wine-cooler punch. The State disagrees, contending that, because defendant left his house before the alcohol had completely left his system, he was no longer under his mother’s direct supervision. Whether, under the parental-supervision exemption, a parent must directly supervise a minor until all of the alcohol has been completely metabolized is a question of statutory interpretation and is thus subject to *de novo* review. *People v. Robinson*, 172 Ill. 2d 452, 457 (1996).

¶ 10

The primary goal in statutory construction is to ascertain and give effect to the intent of the legislature. *People v. Pullen*, 192 Ill. 2d 36, 42 (2000). In doing so, we must assume that the legislature did not intend an absurd or unjust result. *Pullen*, 192 Ill. 2d at 42. The first step is to examine the language of the statute—“the surest and most reliable indicator of legislative intent.” *Pullen*, 192 Ill. 2d at 42. If the statute does not provide a definition indicating a contrary legislative intent, words in a statute are given their ordinary and commonly understood meanings. *People v. Liberman*, 228 Ill. App. 3d 639, 648 (1992). Where the language is clear, the statute may not be revised to include exceptions, limitations, or conditions that the legislature did not express. *People v. Goins*, 119 Ill. 2d 259, 265 (1988). In general, any ambiguities in a criminal statute must be resolved in favor of the defendant. *Robinson*, 172 Ill. 2d at 457.

¶ 11

Defendant argues that the exemption requires that a parent directly supervise his consumption of alcohol, not his actions after consuming the alcohol, and the language of the statute supports his position. The exemption decriminalizes “the consumption by a person under 21 years of age under the direct supervision and approval of the parents.” 235 ILCS 5/6-20(g) (West 2008). This language is plain in requiring the direct supervision of the *consumption* of the alcohol; it says nothing about the necessity of parental supervision once the consumption is done. To interpret the exemption as requiring parents to directly supervise their children until the alcohol has been completely metabolized would be to read into the exemption a requirement the legislature did not express. See *Goins*, 119 Ill. 2d at 265 (where the language is plain, exceptions, limitations, and conditions should not be read into it). Even if ambiguity were to exist around whether a parent must supervise only the consumption of the alcohol or also the minor’s activities while under the influence of the alcohol, such ambiguity would have to be resolved in favor of defendant. *Robinson*, 172 Ill. 2d at 457.

¶ 12

Moreover, the State’s interpretation of the statute—requiring the supervising parent to

directly supervise the minor until all of the alcohol has been metabolized—would lead to an absurd result. As defendant points out, to require a parent to directly supervise his or her minor child until all of the alcohol has been metabolized would place such an untenable burden on the parent that few parents would be willing or able to comply. To ascertain whether the minor had completely metabolized all of the alcohol, the parent would have to administer a breath test, which requires special equipment and training.

¶ 13 Certainly, a minor’s behavior after consuming alcohol presents a concern. Such concerns, however, are adequately addressed by numerous other statutes and ordinances, including those criminalizing driving while under the influence of alcohol, public intoxication, disorderly conduct, and disturbing the peace.

¶ 14 The State relies heavily on our decision in *People v. Finkenbinder*, 2011 IL App (2d) 100901. There, the minor consumed alcohol at a family gathering, with the approval of his mother. *Finkenbinder*, 2011 IL App (2d) 100901, ¶ 3. His mother, however, was unaware of how much the minor drank, what type of alcohol he drank, and the fact that he left the house. *Finkenbinder*, 2011 IL App (2d) 100901, ¶¶ 3-5. Based on the mother’s lack of knowledge about these facts, we concluded that the minor’s consumption was not under his mother’s direct supervision. *Finkenbinder*, 2011 IL App (2d) 100901, ¶ 13. We expressly noted that we were not deciding the issue of whether the exemption required a parent to supervise a minor until all of the alcohol had been metabolized. *Finkenbinder*, 2011 IL App (2d) 100901, ¶ 14. Rather, we simply concluded that, under the specific facts of that case, the mother’s supervision of the minor’s alcohol consumption was so lacking that it could not constitute “direct supervision,” as that term was used in the statute. *Finkenbinder*, 2011 IL App (2d) 100901, ¶ 14. Thus, our decision in *Finkenbinder* has no bearing on our decision in the present case.

¶ 15 Because the parental-supervision exemption requires that the parent supervise only the minor’s actual consumption of the alcohol, and not all of the minor’s activities while the alcohol is still in the minor’s system, the trial court erred in concluding that defendant was not subject to the exemption. The evidence, which was not disputed, showed that defendant consumed one glass of wine-cooler punch with the approval of his mother and while under her supervision. Unlike the mother in *Finkenbinder*, defendant’s mother knew exactly what kind of alcohol defendant consumed, how much he consumed, and that he left the house later that evening. Accordingly, defendant’s conviction must be reversed.

¶ 16 CONCLUSION

¶ 17 The judgment of the circuit court of Boone County is reversed.

¶ 18 Reversed.