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Legal Notes

Underage Drinking in Indiana

Indiana takes underage drinking very seriously! The state of Indiana has a zero tolerance policy for minors that consume or possess alcohol. Underage drinking can be broken down into two categories: minors under the age of 18 and minors over 18 but under 21. We will be discussing the latter category in this “Legal Note.”

If you are going to college there are often other penalties for underage drinking at your school, these will not be discussed because they vary from school to school and are better explained by your RA or the like. What we will focus on are the statutory penalties that you may be facing as a result of being caught drinking or possessing alcohol underage in Indiana.

First Indiana Code Section 5.1-5-7 *et seq.* controls underage drinking in Indiana. You can view the Indiana Code yourself but to summarize, it makes it illegal for a minnow to:

- Possess alcohol, consume alcohol, or transport alcohol on a public highway without at least one parent present.
- Possess or provide a false identification.
- Recklessly be in a “tavern” or place that sells alcohol (there are 22 exceptions carved out including restaurants, grocery stores, etc.)

The penalties for these infractions are all Class C Misdemeanors which, in Indiana, carries a maximum sentence of **60 Days in Jail** and **\$1,000 fine**. Additionally your **driving privileges can be suspended from 60 days to one year**. These sanctions can seriously impact the minor’s ability to get to class, work, etc. and can have a ripple effect that can last for years.

This is why it is important to be represented in such cases. Though it is your right to defend yourself, it is often better to have someone educated in the law speaking for you; someone who can negotiate the least damaging alternative to a trial decision or argue on your behalf at trial and preserve your appeal rights by following proper evidentiary and other procedures.

In short, underage drinking is a common problem. Just because it is common, however, does not mean it is a slap on the wrist! You do not have to be “legally drunk” to get cited. You do not have to have consumed any alcohol to be in possession, and you do not have to be in possession to be cited for being in a bar or tavern. Most of all remember that if you are charged with underage drinking, you should always consult an Indiana underage drinking attorney to explore your options. Think about your record, your school, your job, your license...and your future.

The Law Office of Mark F. Nichols handles Indiana Underage Drinking Cases as well as other Alcohol Drug related cases such as Drunk Driving and Possession. Call 317-641-9916 Today for Your Free Consultation!