

Existing law prohibits any person under 21 years of age to purchase or to have public possession of any alcoholic beverage.

Existing law defines "public possession" as the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including a club which is de facto open to the public.

Existing law excludes from the definition of "public possession" the following:

- (1) The possession or consumption of any alcoholic beverage for an established religious purpose; when a person under 21 years of age is accompanied by a parent, spouse, or legal guardian 21 years of age or older; for medical purposes; or in private residences.
- (2) The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant to lawful ownership of an establishment or to lawful employment of a person under 21 years of age by a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.

New law adds possession upon waterways within the definition of public possession.

Existing law provides for careless and reckless operation of a watercraft as an aggravating circumstance as an element to the crime of aggravated flight from an officer.

Prior law provided that the crime of careless operation of a watercraft was the operation of any watercraft in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons or at a rate of speed greater than would have permitted him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead.

New law requires that any person operating a watercraft shall operate in a careful manner, so as not to endanger the life, limb, or property of any person and failure to do so shall constitute careless operation of a watercraft when such operation violates certain enumerated activities.

New law provides that the careless operation provisions shall not apply to vessels engaged in commercial activity.

Existing law provides that the punishment for careless operation shall be a fine of not more than \$300 or imprisonment of not more than 30 days, or both.

Prior law provided for the crime of reckless operation of a watercraft in Title 34 and reckless operation of a vehicle, which included reckless operation of a vessel in Title 14.

New law repeals reckless operation of a watercraft in Title 34.

Effective August 15, 2011.

(Amends R.S. 14:93.10(2)(intro. para.) and 108.1(D)(4) and R.S. 34:851.4; Repeals R.S. 34:851.5)