

SHORT TITLE: Low-point beer; prohibiting persons under certain age from admittance to certain dance halls and recreation centers; codification; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1063

By: Dickerson

AS INTRODUCED

An Act relating to low-point beer; amending 37 O.S. 1991, Section 241, as amended by Section 40, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, Section 241), which relates to sale of low-point beer to minors; modifying language; amending 21 O.S. 1991, Section 857, which relates to definitions of contributing to the delinquency of a minor; modifying and adding definitions; modifying references; prohibiting persons under twenty-one years of age from admittance to certain dance halls and recreation centers; providing penalty; authorizing certain agents and peace officers to investigate and make arrests; making unlawful the attempt to enter or remain on certain premise when under twenty-one years of age; defining terms; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 37 O.S. 1991, Section 241, as amended by Section 40, Chapter 274, O.S.L. 1995 (37 O.S. Supp. 1995, Section 241), is amended to read as follows:

Section 241. A. It shall be unlawful for any person to sell, barter, or give to any person under twenty-one (21) years of age any low-point beer, as defined in Section 163.2 of this title.

B. It shall be unlawful for any person who holds a license to sell and dispense low-point beer for consumption on the premises, or any agent, servant, or employee of ~~said~~ a license holder, to permit any person under twenty-one (21) years of age to be admitted to or remain in a separate or enclosed bar area of the licensed premises unless ~~said~~ the person's parent or legal guardian is present, ~~which has as its main purpose the selling or serving of low-point beer for~~

Req. No. 1675

~~consumption on the premises.~~ The provisions of this section shall not prohibit persons under twenty-one (21) years of age from being admitted to an area which has as its main purpose some objective other than the sale or serving of low-point beer, in which sales or serving of ~~said~~ such beverages are incidental to the main purpose, as long as persons under twenty-one (21) years of age are not sold ~~or~~, served, or allowed to consume ~~said~~ the beverages; however, the incidental service of food in the bar area shall not exempt a licensee, agent, servant, or employee from the provisions of this section.

C. It shall be unlawful for any person who holds a license to sell and dispense low-point beer, ~~for~~ for consumption on the premises, or any agent, servant, or employee of ~~said~~ a license holder to permit any person under twenty-one (21) years of age to consume any low-point beer on any part of the licensed premises.

D. Any person violating the provisions of subsection A, B or C of this section shall upon conviction be guilty of a misdemeanor.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 241A of Title 37, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person who holds a license or permit to sell and dispense low-point beer for consumption on the premises, or any agent, servant, or employee of the license holder or permit holder to permit any person under twenty-one (21) years of age to be admitted to the premises which has as its main purpose the activities of a dance hall, recreation center, or both, unless the person under twenty-one (21) years of age is accompanied by his or her parent or legal guardian.

B. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor

punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), and in addition to the criminal punishment, the holder of the license or permit shall have such license or permit revoked for twelve (12) months.

C. Any agent of the Alcoholic Beverage Laws Enforcement Commission, or any peace officer of this state shall be authorized to investigate an alleged violation of the provisions of this section and shall have the authority to arrest any violators.

D. Any person under twenty-one (21) years of age who shall attempt to enter or remain on the premises described in subsection A of this section shall, upon conviction, be guilty of a misdemeanor.

E. For purposes of this section:

1. "Dance hall" means any establishment where space has been designated specifically for dancing; where music is played by electronic equipment or live performance; and where dancing is permitted as the primary purpose of the business; and

2. "Recreation center" means any establishment where space has been designated specifically for pool tables; billiards, shuffleboard; darts; video or other electronic games; cards; board games; video, television or other electronic viewing of sports events; live sports contests or competitions; or live musical concerts or other live performances; and where such activities are the primary purpose of the business.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 857, is amended to read as follows:

Section 857. 1. "Every person", as used in Sections 856, ~~Section 1 of this act 856.1, 857, 858.1 and 858.2 of Title 21 of the Oklahoma Statutes~~ this title, shall include human beings, without regard to their legal or natural relationship to ~~such a~~ a minor, as well as legal or corporate entities.

2. "Minor" or "child", as used in Sections 856, ~~Section 1 of this act~~ 856.1, 857, 858.1 and 858.2 of ~~Title 21 of the Oklahoma Statutes~~ this title, shall include male or female persons who shall ~~not~~ have ~~arrived at~~ not reached the age of eighteen (18) years at the time of the commission of the offense.

3. "Encourage", as used in Sections 856, ~~Section 1 of this act~~ 856.1, 857, 858.1 and 858.2 of ~~Title 21 of the Oklahoma Statutes~~ this title, in addition to the usual meaning of the word, shall include a willful and intentional neglect to do that which will directly tend to prevent ~~such an~~ an act or acts of delinquency on the part of ~~such a~~ a minor, when the person accused shall have been able to do so.

4. "Delinquent child", as used in Sections 856, 857, 858.1 and 858.2 of ~~Title 21 of the Oklahoma Statutes~~ this title, shall include a minor, as herein defined, who shall have been or is violating any penal statute of this state, or who shall have been or is committing any one or more of the following acts, to wit:

- ~~(a)~~ a. Associating with thieves, vicious, l or immoral persons~~l~~
- ~~(b)~~ b. Frequenting a house of ill repute~~l~~
- ~~(c)~~ c. Frequenting any policy shop, or place where any gambling device is operated~~l~~
- ~~(d)~~ d. Frequenting any saloon, dram shop, still, or any place where intoxicating liquors are manufactured, stored or sold~~l~~
- ~~(e)~~ e. Frequenting any saloon, club, dance hall, bar, or recreation center where low-point beer is sold and dispensed,
- ~~(f)~~ f. ~~Possession~~ Possessing, carrying, owning, l or exposing any vile, obscene, indecent, immoral, l or lascivious

photograph, drawing, picture, book, paper, pamphlet,
image, device, instrument, figure, or object,

g. Willfully, lewdly, or lasciviously exposing his or her
person, or private parts thereof, in any place, public
or private, in such a manner as to be which is
offensive to decency, or calculated to excite vicious
or lewd thoughts, or for the purpose of engaging in
the preparation or manufacture of obscene, indecent,
or lascivious photographs, pictures, figures, or
objects,

~~(g)~~ h. Possessing, transporting, selling, or engaging or
aiding, or assisting in the sale, transportation, or
manufacture of intoxicating liquor or low-point beer,
or the frequent use of same,

~~(h)~~ i. Being a runaway from his or her parent or legal
guardian, or

~~(i)~~ j. Violating any penal provision of the Uniform
Controlled Dangerous Substances Act, Section 2-101 et
seq. of Title 63 of the Oklahoma Statutes.

SECTION 4. This act shall become effective July 1, 1996.

SECTION 5. It being immediately necessary for the preservation
of the public peace, health and safety, an emergency is hereby
declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

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