

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 2023

By: Pruitt

AS INTRODUCED

An Act relating to crimes and punishments; defining terms; prohibiting open house party; making certain exemptions; stating penalties; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 858.4 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section, the following terms are defined as:

1. "Alcoholic beverage" means any alcohol, spirit, beer, wine, or any beverage containing one-half of one percent (1/2 of 1%) or more alcohol by volume or any low-point beer or beverage containing three and two tenth percent (3.2%) alcohol by weight;

2. "Control" means the authority or ability to regulate, direct or dominate;

3. "Drug" means a controlled substance as that term is defined by the Uniform Controlled Dangerous Substances Act;

4. "Minor" means an individual not legally permitted by reason of age to possess low-point beer or any alcoholic beverage pursuant to Oklahoma Statutes;

5. "Open house party" means a social gathering at a residence;

6. "Person" means an individual eighteen (18) years of age or older;

7. "Residence" means a home, apartment, condominium or other dwelling unit.

B. No person having control of any residence shall allow an open house party to take place at the residence if any alcoholic beverage or drug is possessed or consumed at the residence by any minor where the person knows that an alcoholic beverage or drug is in the possession of or being consumed by a minor at the residence, or where the person has a reasonable belief based upon any prior occurrence or any knowledge of any person's substance addiction that an alcoholic beverage or drug is in the possession of or being consumed by a minor at the residence, and where the person fails to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

C. The provisions of this section shall not apply to the use of alcoholic beverages at legally protected religious observances or activities. The provisions of this section shall not prohibit any custodial parent from permitting their child to possess or consume alcoholic beverages in the privacy of their residence or in their presence.

D. Any person who violates any of the provisions of subsection B of this section commits a felony punishable by a fine in an amount of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) for a first offense, and for any second or subsequent offense the person shall be penalized by imprisonment in the county jail for a term not exceeding one (1) year and a fine in an amount of not less than One Thousand Dollars (\$1,000.00).

SECTION 2. 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.