

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3284

6 By: Duncan

7 COMMITTEE SUBSTITUTE

8 An Act relating to intoxicating liquors; amending
9 Section 1, Chapter 312, O.S.L. 2006, as amended by
10 Section 2, Chapter 365, O.S.L. 2007 (37 O.S. Supp.
11 2007, Section 8.2), which relates to the consumption
12 of alcohol by minors; expanding prohibition to
13 include low-point beer; adding penalty; providing
14 rebuttable presumption under certain circumstances;
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY Section 1, Chapter 312, O.S.L.
18 2006, as amended by Section 2, Chapter 365, O.S.L. 2007 (37 O.S.
19 Supp. 2007, Section 8.2), is amended to read as follows:

20 Section 8.2 A. No person twenty-one (21) years of age or older
21 shall knowingly ~~and willfully~~ permit any individual under twenty-one
22 (21) years of age who is an invitee to the person's residence, any
23 building, structure, or room owned, occupied, leased or otherwise
24 procured by the person or on any land owned, occupied, leased or
otherwise procured by the person, to possess or consume any
alcoholic beverage as defined by Section 506 of ~~Title 37 of the~~

1 ~~Oklahoma Statutes~~ this title, any low-point beer as defined by
2 Section 163.2 of this title, any controlled dangerous substance as
3 defined in the Uniform Controlled Dangerous Substances Act, or any
4 combination thereof, in such place.

5 B. Except as provided for in subsection C of this section, any
6 person convicted of violating this section shall be guilty of a
7 misdemeanor and be punished by a fine of not more than Five Hundred
8 Dollars (\$500.00), or imprisonment in the county jail for not more
9 than one (1) year, or by both such fine and imprisonment.

10 C. Any person who violates this section, and such actions cause
11 great bodily injury or the death of a person, shall, in addition to
12 any other penalty provided by law, be guilty of a felony, punishable
13 by imprisonment in the custody of the Department of Corrections for
14 not more than five (5) years, a fine of not less than Two Thousand
15 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
16 (\$5,000.00), or both such fine and imprisonment.

17 D. If a person having control of any premises knowingly hosts,
18 permits, or allows a gathering at said premises and takes the
19 following reasonable steps to prevent the consumption of alcoholic
20 beverage as defined by Section 506 of this title, any low-point beer
21 as defined by Section 163.2 of this title, any controlled dangerous
22 substance as defined in the Uniform Controlled Dangerous Substances
23 Act, or any combination thereof, by any individual under the age of
24 twenty-one (21) at the gathering, the person shall be afforded a

1 rebuttable presumption that the person did not violate subsection A
2 of this section. Reasonable steps include:

3 1. Controlling access to alcoholic beverages and low-point beer
4 at the gathering;

5 2. Controlling the quantity of alcoholic beverages and low-
6 point beer;

7 3. Verifying the age of all individuals attending the gathering
8 by inspecting driver licenses or other government-issued
9 identification cards to ensure that individuals under the age of
10 twenty-one (21) do not consume alcoholic beverages and low-point
11 beer while at the gathering;

12 4. Ensuring no controlled dangerous substances are present at
13 the gathering; and

14 5. Supervising the activities of said individuals at the
15 gathering.

16 This rebuttable presumption shall not relieve from liability any
17 person cited for a violation of this section if such person failed
18 to exercise reasonable diligence in taking the steps outlined in
19 this subsection. The availability of the defense described in this
20 subsection does not effect the availability of any other defense
21 under any other provision of law.

22 SECTION 2. This act shall become effective November 1, 2008.

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24 51-2-10544 SD 03/04/08

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