

1 ENGROSSED SENATE
2 BILL NO. 1530

By: Leftwich, Johnson
(Constance) and Garrison
of the Senate

3
4 and

5 Worthen of the House

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8 [intoxicating liquors - violation -

9 effective date]

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

13 SECTION 1. AMENDATORY Section 1, Chapter 312, O.S.L.
14 2006, as amended by Section 2, Chapter 365, O.S.L. 2007 (37 O.S.
15 Supp. 2007, Section 8.2), is amended to read as follows:

16 Section 8.2 A. No person twenty-one (21) years of age or older
17 shall knowingly ~~and willfully~~ permit any individual under twenty-one
18 (21) years of age who is an invitee to the person's residence, any
19 building, structure, or room owned, occupied, leased or otherwise
20 procured by the person or on any land owned, occupied, leased or
21 otherwise procured by the person, to possess or consume any
22 alcoholic beverage as defined by Section 506 of Title 37 of the
23 Oklahoma Statutes, any low-point beer as defined by Section 163.2 of
24 this title, any controlled dangerous substance as defined in the

1 Uniform Controlled Dangerous Substances Act, or any combination
2 thereof, in such place.

3 B. Except as provided for in subsection C, any person convicted
4 of a first violation of this section shall be guilty of a
5 misdemeanor and be punished by a fine of not more than Five Hundred
6 Dollars (\$500.00), or imprisoned in the county jail for not more
7 than one (1) year, or by both such fine and imprisonment. Any
8 person convicted of a second violation shall be guilty of a
9 misdemeanor and shall be punished by a fine of not more than Two
10 Thousand Five Hundred Dollars (\$2,500.00), or imprisoned in the
11 county jail for not more than one (1) year, or by both such fine and
12 imprisonment. Any person convicted of a third or subsequent
13 violation shall be guilty of a felony and shall be punished by a
14 fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00)
15 and not more than Five Thousand Dollars (\$5,000.00), or by
16 imprisonment in the custody of the Department of Corrections for not
17 more than five (5) years, or by both such fine and imprisonment.

18 C. Any person who violates this section, and such actions cause
19 great bodily injury or the death of a person, shall, in addition to
20 any other penalty provided by law, be guilty of a felony, punishable
21 by imprisonment in the custody of the Department of Corrections for
22 not more than five (5) years, a fine of not less than Two Thousand
23 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
24 (\$5,000.00), or both such fine and imprisonment.

1 D. There shall be a rebuttable presumption to any action
2 brought pursuant to this section for any person having control of
3 any premises, who knowingly hosts, permits, or allows a gathering at
4 said premises who takes reasonable steps to prevent the consumption
5 of any alcoholic beverage as defined by Section 506 of Title 37 of
6 the Oklahoma Statutes, any low-point beer as defined by Section
7 163.2 of this title, any controlled dangerous substance as defined
8 in the Uniform Controlled Dangerous Substances Act, or any
9 combination thereof, by any individual under the age of twenty-one
10 (21) at the gathering. Reasonable steps include controlling access
11 to alcoholic beverages and low-point beer at the gathering,
12 controlling the quantity of alcoholic beverages and low-point beer,
13 verifying the age of all individuals attending the gathering by
14 inspecting driver licenses or other government-issued identification
15 cards to ensure that individuals under the age of twenty-one (21) do
16 not consume alcoholic beverages and low-point beer while at the
17 gathering, ensuring no controlled dangerous substances are present
18 at the gathering and supervising the activities of the individuals
19 at the gathering.

20 Provided, that this defense shall not relieve from liability any
21 person cited for a violation of this section if such person failed
22 to exercise reasonable diligence in taking the steps outlined above.
23 The availability of the defense described in this subsection does
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1 not affect the availability of any other defense under any other
2 provision of law.

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

4 Passed the Senate the 4th day of March, 2008.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2008.

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Presiding Officer of the House
of Representatives

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