

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3010

By: Worthen

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5
6 AS INTRODUCED

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

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

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

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

1 Section 163.2 of this title, any controlled dangerous substance as
2 defined in the Uniform Controlled Dangerous Substances Act, or any
3 combination thereof, in such place.

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

20 C. Any person who violates this section, and such actions cause
21 great bodily injury or the death of a person, shall, in addition to
22 any other penalty provided by law, be guilty of a felony, punishable
23 by imprisonment in the custody of the Department of Corrections for
24 not more than five (5) years, a fine of not less than Two Thousand

1 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
2 (\$5,000.00), or both such fine and imprisonment.

3 D. If a person having control of any premises knowingly hosts,
4 permits, or allows a gathering at said premises and takes the
5 following reasonable steps to prevent the consumption of alcoholic
6 beverage as defined by Section 506 of this title, any low-point beer
7 as defined by Section 163.2 of this title, any controlled dangerous
8 substance as defined in the Uniform Controlled Dangerous Substances
9 Act, or any combination thereof, by any individual under the age of
10 twenty-one (21) at the gathering, the person shall be afforded a
11 rebuttable presumption that the person did not violate subsection A
12 of this section. Reasonable steps include:

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

15 2. Controlling the quantity of alcoholic beverages and low-
16 point beer;

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

22 4. Ensuring no controlled dangerous substances are present at
23 the gathering; and

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1 5. Supervising the activities of said individuals at the
2 gathering.

3 This rebuttable presumption shall not relieve from liability any
4 person cited for a violation of this section if such person failed
5 to exercise reasonable diligence in taking the steps outlined in
6 this subsection. The availability of the defense described in this
7 subsection does not effect the availability of any other defense
8 under any other provision of law.

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

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