

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1530

By: Leftwich

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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, which relates to
10 permitting certain person to possess or consume
11 certain alcohol or substances; making certain
12 prohibited actions age specific; adding low-point
13 beer to certain prohibited actions; providing
14 additional penalties; making certain actions a
15 rebuttable presumption; stating what certain term
16 includes; stating certain defense shall not relieve
17 certain liability for a violation under certain
18 circumstances; stating availability of certain
19 defense does not affect availability of certain other
20 defense; and providing an effective date.

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1 otherwise procured by the person, to possess or consume any
2 alcoholic beverage as defined by Section 506 of Title 37 of the
3 Oklahoma Statutes, any low-point beer as defined by Section 163.2 of
4 this title, any controlled dangerous substance as defined in the
5 Uniform Controlled Dangerous Substances Act, or any combination
6 thereof, in such place.

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

22 C. Any person who violates this section, and such actions cause
23 great bodily injury or the death of a person, shall, in addition to
24 any other penalty provided by law, be guilty of a felony, punishable

1 by imprisonment in the custody of the Department of Corrections for
2 not more than five (5) years, a fine of not less than Two Thousand
3 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
4 (\$5,000.00), or both such fine and imprisonment.

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

24

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

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

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