

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2240

By: Brown

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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 2009, Section 8.2), which relates to permitting use  
11 of alcohol by minors; expanding scope of prohibited  
12 substances; mandating penalties for certain  
13 violation; enabling separate prosecution by  
14 municipalities; allowing for defense to liability;  
15 limiting defense to liability; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY Section 1, Chapter 312, O.S.L.  
19 2006, as amended by Section 2, Chapter 365, O.S.L. 2007 (37 O.S.  
20 Supp. 2009, Section 8.2), is amended to read as follows:

21 Section 8.2 A. No person shall knowingly ~~and willfully~~ permit  
22 any individual under ~~twenty-one (21)~~ eighteen (18) years of age who  
23 is ~~an invitee to~~ at the person's residence, any building, structure,  
24 or room owned, occupied, leased or otherwise 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 Oklahoma Statutes~~ this title, low-

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

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

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

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

3 D. In addition to the penalties provided for in subsections B  
4 and C of this section, when a violation of this section occurs  
5 within the jurisdiction of a municipality, the offender may be  
6 charged and prosecuted for a violation of any municipal ordinance,  
7 which shall be in addition to and a separate offense from the  
8 prosecution of the violation of the provisions of this section.

9 E. There shall be a rebuttable presumption to any action  
10 brought pursuant to this section for any person having control of  
11 any premises, who knowingly hosts, permits, or allows a gathering at  
12 the premises who takes reasonable steps to prevent the consumption  
13 of any alcoholic beverage as defined by Section 506 of this title,  
14 low-point beer as defined by Section 163.2 of this title, any  
15 controlled dangerous substance as defined in the Uniform Controlled  
16 Dangerous Substances Act, or any combination thereof, by any  
17 individual under eighteen (18) years of age at the gathering.  
18 Reasonable steps include controlling access to alcoholic beverages  
19 and low-point beer, controlling the quantity of alcoholic beverages  
20 and low-point beer, verifying the age of all individuals attending  
21 the gathering by inspecting driver licenses or other government-  
22 issued identification cards to ensure that individuals under  
23 eighteen (18) years of age do not consume alcoholic beverages and

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1 low-point beer, ensuring no controlled dangerous substances are  
2 present and supervising the activities of attending individuals.  
3 Provided, that this defense 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 above.  
6 The availability of the defense described in this subsection does  
7 not affect the availability of any other defense under any other  
8 provision of law.

9 SECTION 2. This act shall become effective November 1, 2010.

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