

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2254

By: Leftwich

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments;
8 establishing age of limitation; broadening substance
9 requirement; providing an exception; establishing
10 offense and penalty; allowing for certain defense;
11 prohibiting defense in certain instance; repealing
12 Section 1, Chapter 312, O.S.L. 2006, as amended by
13 Section 2, Chapter 365, O.S.L. 2007 (37 O.S. Supp.
2009, Section 8.2), which relates to intoxicating
14 liquors; providing for codification; and providing an
15 effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 589.1 of Title 21, unless there
19 is created a duplication in numbering, reads as follows:

20 A. No person twenty-one (21) years of age or older shall
21 knowingly permit any individual under twenty-one (21) years of age
22 who is an invitee to the person's residence, any building,
23 structure, or room owned, occupied, leased or otherwise procured by
24 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, any

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

22 Provided, that this defense shall not relieve from liability any
23 person cited for a violation of this section if such person failed
24 to exercise reasonable diligence in taking the steps outlined above.

1 The availability of the defense described in this subsection does
2 not affect the availability of any other defense under any other
3 provision of law.

4 SECTION 2. REPEALER Section 1, Chapter 312, O.S.L. 2006,
5 as amended by Section 2, Chapter 365, O.S.L. 2007 (37 O.S. Supp.
6 2009, Section 8.2), is hereby repealed.

7 SECTION 3. This act shall become effective November 1, 2010.

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