

1 ENGROSSED HOUSE
2 BILL NO. 1211

By: Kirby, Steele, Osborn,
Wright, Holland, Faught,
Kern, Ortega, Nollan, Tibbs
and Russ of the House

4 and

5 Newberry of the Senate

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7
8 An Act relating to intoxicating liquors; creating
9 Cody's Law; amending Section 1, Chapter 312, O.S.L.
10 2006, as amended by Section 2, Chapter 365, O.S.L.
11 2007 (37 O.S. Supp. 2010, Section 8.2), which relates
12 to underage drinking; modifying underage drinking
13 prohibition; modifying punishment; providing for
14 noncodification; and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 This act shall be known and may be cited as "Cody's Law".

19 SECTION 2. AMENDATORY Section 1, Chapter 312, O.S.L.
20 2006, as amended by Section 2, Chapter 365, O.S.L. 2007 (37 O.S.
21 Supp. 2010, Section 8.2), is amended to read as follows:

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

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

8 B. Except as provided for in subsection C of this section,
9 punishment for violation of this section shall be as follows:

10 1. Any person who is convicted of a violation of the provisions
11 of this section shall be deemed guilty of a misdemeanor for the
12 first offense and be punished by a fine of not more than Five
13 Hundred Dollars (\$500.00);

14 2. Any person who, within ten (10) years after previous
15 convictions of a violation:

16 a. of this section, or

17 b. of the provisions of any law of another state
18 prohibiting the offense provided for in subsection A
19 of this section, or

20 c. in a municipal criminal court of record for the
21 violation of a municipal ordinance prohibiting the
22 offense provided for in subsection A of this section,
23 shall be guilty of a misdemeanor and shall be punished by a fine of
24 not more than One Thousand Dollars (\$1,000.00);

1 3. Any person who, within ten (10) years after two or more
2 previous convictions of a violation:

3 a. of this section, or

4 b. of the provisions of any law of another state
5 prohibiting the offense provided for in subsection A
6 of this section, or

7 c. in a municipal criminal court of record for the
8 violation of a municipal ordinance prohibiting the
9 offense provided for in subsection A of this section,
10 or

11 d. or any combination of two or more thereof,

12 shall be guilty of a felony and shall be punished by a fine of not
13 more than Two Thousand Five Hundred Dollars (\$2,500.00), or by
14 imprisonment in the custody of the Department of Corrections for not
15 more than five (5) years, or by both such fine and imprisonment.

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

23 SECTION 3. This act shall become effective November 1, 2011.

1 Passed the House of Representatives the 7th day of March, 2011.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2011.

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9 Presiding Officer of the Senate