

1 **SENATE FLOOR VERSION**

2 April 11, 2011

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 1211

6 By: Kirby, Steele, Osborn,
7 Wright, Holland, Faught,
8 Kern, Ortega, Nollan,
9 Tibbs, Russ, Thomsen and
10 Brumbaugh of the House

11 and

12 Newberry and Simpson of the
13 Senate

14 [intoxicating liquors - creating Cody's Law -
15 noncodification - effective date]

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

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

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

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

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

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

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

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

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

14 a. of this section, or

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

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

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

- 1 a. of this section, or
2 b. of the provisions of any law of another state
3 prohibiting the offense provided for in subsection A
4 of this section, or
5 c. in a municipal criminal court of record for the
6 violation of a municipal ordinance prohibiting the
7 offense provided for in subsection A of this section,
8 or
9 d. or any combination of two or more thereof,

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-11 - DO
23 PASS, As Amended and Coauthored.