

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1211

By: Kirby

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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 2010, Section 8.2), which relates to underage
11 drinking; modifying underage drinking prohibition;
12 increasing punishment; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY Section 1, Chapter 312, O.S.L.
16 2006, as amended by Section 2, Chapter 365, O.S.L. 2007 (37 O.S.
17 Supp. 2010, Section 8.2), is amended to read as follows:

18 Section 8.2 A. No person shall knowingly ~~and willfully~~ permit
19 any individual under twenty-one (21) years of age who is ~~an invitee~~
20 ~~to~~ at the person's residence, of the person or any building,
21 structure, or room owned, occupied, leased or otherwise procured by
22 the person or on any land owned, occupied, leased or otherwise
23 procured by the person, to possess or consume any alcoholic beverage
24 as defined by Section 506 of ~~Title 37 of the Oklahoma Statutes~~ this
title, any low-point beer as defined by Section 163.2 of this title,

1 any controlled dangerous substance as defined in the Uniform
2 Controlled Dangerous Substances Act, or any combination thereof, in
3 such place.

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

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

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

12 a. of this section, or

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

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

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)~~ fifteen (15) years, a fine of not less than
19 Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five
20 Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

21 SECTION 2. This act shall become effective November 1, 2011.

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23 53-1-5699 CJB 01/09/11
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