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<DateSubmitted>

HOUSE OF REPRESENTATIVES 2nd CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1211

By: Kirby of the House and Newberry of the Senate

Title: Intoxicating liquors; underage drinking; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendments No. 1 and 2; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

Fred Jordan

HOUSE CONFEREES

Jordan _____

Martin (Steve) *Steve Martin*

McCullough _____

Moore *J. H. Moore*

Morrisette _____

Roan _____

Roberts (Dustin) *Dustin Roberts*

Schwartz *Alan Schwartz*

Sherrer _____

Sullivan *Sue Sullivan*

Tibbs _____

Wesselhoft *Wesselhoft*

Williams _____

SENATE CONFEREES

Newberry _____
Barrington _____
Treat _____
Brecheen _____
Burrage _____
Eason McIntyre _____

1 STATE OF OKLAHOMA

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

3 2ND CONFERENCE COMMITTEE

4 SUBSTITUTE

5 FOR ENGROSSED

6 HOUSE BILL NO. 1211

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

7 and

8 Newberry, Simpson, David,
9 Shortey and Brinkley of the
10 Senate

11
12 2ND CONFERENCE COMMITTEE SUBSTITUTE

13 An Act relating to intoxicating liquors; creating
14 Cody's Law; amending Section 1, Chapter 312, O.S.L.
15 2006, as amended by Section 2, Chapter 365, O.S.L.
16 2007 (37 O.S. Supp. 2010, Section 8.2), which relates
17 to underage drinking; modifying underage drinking
18 prohibition; modifying punishment; authorizing
19 municipalities to enact certain ordinances relating
20 to low-point beer; providing for codification;
21 providing for noncodification; and providing an
22 effective date.

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

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

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

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

4 Section 8.2 A. No person shall knowingly and willfully permit
5 any individual under twenty-one (21) years of age who is an invitee
6 to the person's residence, any building, structure, or room owned,
7 occupied, leased or otherwise procured by the person or on any land
8 owned, occupied, leased or otherwise procured by the person, to
9 possess or consume any alcoholic beverage as defined by Section 506
10 of ~~Title 37 of the Oklahoma Statutes~~ this title, any low-point beer
11 as defined by Section 163.2 of this title, any controlled dangerous
12 substance as defined in the Uniform Controlled Dangerous Substances
13 Act, or any combination thereof, in such place.

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

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

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

22 a. of this section, or
23
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1 b. of the provisions of any law of another state
2 prohibiting the offense provided for in subsection A
3 of this section, or

4 c. in a municipal criminal court of record for the
5 violation of a municipal ordinance prohibiting the
6 offense provided for in subsection A of this section,

7 shall be guilty of a misdemeanor and shall be punished by a fine of
8 not more than One Thousand Dollars (\$1,000.00);

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

11 a. of this section, or

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

15 c. in a municipal criminal court of record for the
16 violation of a municipal ordinance prohibiting the
17 offense provided for in subsection A of this section,

18 or

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

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

1 C. Any person who violates this section, and such actions cause
2 great bodily injury or the death of a person, shall, in addition to
3 any other penalty provided by law, be guilty of a felony, punishable
4 by imprisonment in the custody of the Department of Corrections for
5 not more than five (5) years, a fine of not less than Two Thousand
6 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
7 (\$5,000.00), or both such fine and imprisonment.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 219.2 of Title 37, unless there
10 is created a duplication in numbering, reads as follows:

11 All municipalities of this state may enact ordinances
12 prohibiting or regulating the selling and dispensing of low-point
13 beer by establishments licensed to sell and dispense low-point beer
14 for consumption on the premises whose main purpose is the selling or
15 serving of low-point beer for consumption on the premises, provided
16 the ordinances are not otherwise inconsistent with prohibitions
17 relating to the same as set forth in Sections 241 and 246 of Title
18 37 of the Oklahoma Statutes.

19 SECTION 4. This act shall become effective November 1, 2011.

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