

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2408

By: Kannady

AS INTRODUCED

An Act relating to alcoholic beverages; amending Section 141, Chapter 366, O.S.L. 2016, as amended by Section 5, Chapter 113, O.S.L. 2018 (37A O.S. Supp. 2018, Section 6-101), which relates to prohibited acts; modifying prohibited act; and providing an effective date.

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

SECTION 1. AMENDATORY Section 141, Chapter 366, O.S.L. 2016, as amended by Section 5, Chapter 113, O.S.L. 2018 (37A O.S. Supp. 2018, Section 6-101), is amended to read as follows:

Section 6-101. A. No person shall:

1. Knowingly sell, deliver or furnish alcoholic beverages to any person under twenty-one (21) years of age;

2. Sell, deliver or knowingly furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;

1 3. Open a retail container or consume alcoholic beverages on
2 the premises of a package store, grocery store, convenience store or
3 drug store, unless otherwise permitted by law;

4 4. Import into this state, except as provided for in the
5 Oklahoma Alcoholic Beverage Control Act, any alcoholic beverages;
6 provided, that nothing herein shall prohibit the importation or
7 possession for personal use of not more than one (1) liter of
8 alcoholic beverages upon which the Oklahoma excise tax is
9 delinquent;

10 5. Receive, possess or use any alcoholic beverage in violation
11 of the provisions of the Oklahoma Alcoholic Beverage Control Act;

12 6. Knowingly transport into, within or through this state more
13 than one (1) liter of alcoholic beverages upon which the Oklahoma
14 excise tax has not been paid unless the person accompanying or in
15 charge of the vehicle transporting same shall possess a true copy of
16 a bill of lading, invoice, manifest or other document particularly
17 identifying that alcoholic beverages are being transported and
18 showing the name and address of the consignor and consignee;
19 provided, this prohibition shall not apply to the first one hundred
20 eighty (180) liters of alcoholic beverages classified as household
21 goods by military personnel, age twenty-one (21) or older, when
22 entering Oklahoma from temporary active assignment outside the
23 contiguous United States;

1 7. Knowingly transport in any vehicle upon a public highway,
2 street or alley any alcoholic beverage except in the original
3 container which shall not have been opened and the seal upon which
4 shall not have been broken and from which the original cap or cork
5 shall not have been removed, unless the opened container be in the
6 rear trunk or rear compartment, which shall include the spare tire
7 compartment in a vehicle commonly known as a station wagon and panel
8 truck, or any outside compartment which is not accessible to the
9 driver or any other person in the vehicle while it is in motion;

10 8. ~~Consume spirits in public except on the premises of a~~
11 ~~licensee of the ABLE Commission who is authorized to sell or serve~~
12 ~~spirits by the individual drink, or be~~ Be intoxicated in a public
13 place. This provision shall be cumulative and in addition to
14 existing law;

15 9. Forcibly resist lawful arrest, or by physical contact
16 interfere with an investigation of any infringement of the Oklahoma
17 Alcoholic Beverage Control Act or with any lawful search or seizure
18 being made by a law enforcement officer or an employee of the ABLE
19 Commission, when such person knows or should know that such acts are
20 being performed by a state, county or municipal officer or employee
21 of the ABLE Commission;

22 10. Manufacture, duplicate, counterfeit or in any way imitate
23 any bottle club membership card required to be issued by the ABLE
24 Commission without the permission of the ABLE Commission;

1 11. Consume or possess alcoholic beverages on the licensed
2 premises of a bottle club unless such person possesses a valid
3 membership card for that club issued by the club;

4 12. Knowingly possess any bottle club membership card required
5 to be issued by the ABLE Commission which has been manufactured,
6 counterfeited, imitated or in any way duplicated without the
7 permission of the ABLE Commission; or

8 13. Knowingly and willfully permit any individual under twenty-
9 one (21) years of age who is an invitee to the person's residence,
10 any building, structure or room owned, occupied, leased or otherwise
11 procured by the person or on any land owned, occupied, leased or
12 otherwise procured by the person, to possess or consume any
13 alcoholic beverage as defined by Section 1-103 of this title, any
14 controlled dangerous substance as defined in the Uniform Controlled
15 Dangerous Substances Act, or any combination thereof, in such place.

16 B. Except as provided for in subsection C of this section,
17 punishment for violation of paragraph 13 of subsection A of this
18 section shall be as follows:

19 1. Any person who is convicted of a violation of the provisions
20 of paragraph 13 of subsection A of this section shall be deemed
21 guilty of a misdemeanor for the first offense and be punished by a
22 fine of not more than Five Hundred Dollars (\$500.00);

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

- a. of paragraph 13 of subsection A of this section,
- b. of the provisions of any law of another state prohibiting the offense provided for in paragraph 13 of subsection A of this section, or
- c. in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in paragraph 13 of subsection A of this section,

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

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

- a. of paragraph 13 of subsection A of this section,
- b. of the provisions of any law of another state prohibiting the offense provided for in paragraph 13 of subsection A of this section, or
- c. in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in paragraph 13 of subsection A of this section, or
- d. or any combination of two or more thereof,

shall be guilty of a felony and shall be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by

1 imprisonment in the custody of the Department of Corrections for not
2 more than five (5) years, or by both such fine and imprisonment.

3 C. Any person who violates paragraph 13 of subsection A of this
4 section, and such actions cause great bodily injury or the death of
5 a person, shall, in addition to any other penalty provided by law,
6 be guilty of a felony, punishable by imprisonment in the custody of
7 the Department of Corrections for not more than five (5) years, a
8 fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00)
9 nor more than Five Thousand Dollars (\$5,000.00), or both such fine
10 and imprisonment.

11 D. Except as provided in subsection C of Section 6-126 of this
12 title, any person who shall engage in any of the following and
13 disturb the peace of any person:

14 1. In any public place, or in or upon any passenger coach,
15 streetcar, or in or upon any other vehicle commonly used for the
16 transportation of passengers, or in or about any depot, platform,
17 waiting station or room, drink or otherwise consume any intoxicating
18 liquor unless authorized by the Oklahoma Alcoholic Beverage Control
19 Act, intoxicating substance or intoxicating compound of any kind, or
20 inhale glue, paint or other intoxicating substance;

21 2. Be drunk or intoxicated in any public or private road, or in
22 any passenger coach, streetcar or any public place or building, or
23 at any public gathering, from drinking or consuming such
24 intoxicating liquor, intoxicating substance or intoxicating compound

1 or from inhalation of glue, paint or other intoxicating substance;
2 or

3 3. Be drunk or intoxicated from any cause,
4 shall be guilty of a misdemeanor, and upon conviction thereof shall
5 be punished by a fine of not less than Ten Dollars (\$10.00), nor
6 more than One Hundred Dollars (\$100.00) or by imprisonment for not
7 less than five (5) days nor more than thirty (30) days or by both
8 such fine and imprisonment.

9 SECTION 2. This act shall become effective November 1, 2019.

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