

House Bill 3052

Sponsored by Representatives RILEY, SUMNER; Representatives NOLAN, ROBLAN, SCHAUFLEER, THATCHER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes minimum penalty for third or subsequent conviction for providing liquor to person under 21 years of age to \$5,000 fine and 300 hours community service.

A BILL FOR AN ACT

1
2 Relating to alcoholic beverages; amending ORS 471.410.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 471.410 is amended to read:

5 471.410. (1) No person shall sell, give or otherwise make available any alcoholic liquor to any
6 person who is visibly intoxicated.

7 (2) No one other than the person's parent or guardian shall sell, give or otherwise make avail-
8 able any alcoholic liquor to a person under the age of 21 years. A person violates this subsection
9 who sells, gives or otherwise makes available alcoholic liquor to a person with the knowledge that
10 the person to whom the liquor is made available will violate this subsection.

11 (3) No person who exercises control over private real property may knowingly allow any other
12 person under the age of 21 years who is not a child or minor ward of the person to consume alco-
13 holic liquor on the property, or allow any other person under the age of 21 years who is not a child
14 or minor ward of the person to remain on the property if the person under the age of 21 years
15 consumes alcoholic liquor on the property. The prohibitions of this subsection apply only to a person
16 who is present and in control of the location at the time the consumption occurs. The prohibitions
17 of this subsection do not apply to the owner of rental property, or the agent of an owner of rental
18 property, unless the consumption occurs in the individual unit in which the owner or agent resides.

19 (4) A person who violates subsection (1) or (2) of this section commits a Class A misdemeanor.
20 Upon violation of subsection (2) of this section, the court shall impose at least a mandatory minimum
21 sentence as follows:

22 (a) Upon a first conviction, a fine of \$350.

23 (b) Upon a second conviction, a fine of \$1,000.

24 (c) Upon a third or subsequent conviction, a fine of [*\$1,000*] **\$5,000** and not less than [*30 days*]
25 **300 hours** of [*imprisonment*] **community service**.

26 (5) The court shall not waive or suspend imposition or execution of the mandatory minimum
27 sentence required by subsection (4) of this section. In addition to the mandatory sentence the court
28 may require the violator to make restitution for any damages to property where the alcoholic liquor
29 was illegally consumed or may require, **for a first or second conviction**, participation in volunteer
30 service to a community service agency.

31 (6) The mandatory minimum penalty provisions of subsection (4) of this section shall not apply

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 to persons licensed or appointed under the provisions of this chapter.

2 (7) A person who violates subsection (3) of this section commits a violation. Upon violation of
3 subsection (3) of this section, the court shall impose at least a mandatory minimum fine as follows:

4 (a) Upon a first conviction, a fine of \$350.

5 (b) Upon a second or subsequent conviction, a fine of \$1,000.

6 (8) Nothing in this section prohibits any licensee under this chapter from allowing a person who
7 is visibly intoxicated from remaining on the licensed premises so long as the person is not sold or
8 served any alcoholic liquor.

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