

A-Engrossed House Bill 3343

Ordered by the House May 1
Including House Amendments dated May 1

Sponsored by COMMITTEE ON JUDICIARY

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.

[Revises laws dealing with certain offenses related to alcoholic beverages. Maintains current penalty for provision of alcoholic beverages to visibly intoxicated individual as maximum of one year's imprisonment, \$6,250 fine, or both.]

[Modifies penalties for providing alcoholic beverages to individual under 21 years of age or to another person with knowledge that other person will provide alcoholic beverages to individual under 21 years of age. Makes first violation committed knowingly subject to minimum penalty of \$500 fine and maximum penalty of 30 days' imprisonment, \$1,250 fine, or both. Authorizes diversion for first violation. Makes second violation committed knowingly subject to minimum penalty of \$1,500 fine and maximum penalty of six months' imprisonment, \$2,500 fine, or both. Makes third or subsequent violation committed knowingly subject to minimum penalty of 30 days' imprisonment and \$2,000 fine and maximum penalty of one year's imprisonment, \$6,250 fine, or both. Exempts agent or licensee of Oregon Liquor Control Commission or employee of agent or licensee from minimum penalty requirements.]

[Authorizes civil penalties for providing alcoholic beverages to individual under 21 years of age if offender did not know that individual was under 21 years of age.]

[Allows employee of off-premises sales licensee to attend clerk training course approved by commission. Reduces classification of first offense by employee of off-premises sales licensee for making alcoholic liquor available to person under 21 years of age if employee has successfully completed approved clerk training course, training under responsible vendor program or alcohol server education course. Reduces classification from misdemeanor having maximum penalty of 30 days' imprisonment, \$1,250 fine, or both, to violation having maximum penalty of \$180 fine. Requires court to order convicted employee to attend training if employee has not attended training program or course.]

[Maintains current penalty for allowing individual under 21 years of age to remain on property after consumption of alcoholic beverage as \$350 fine for first offense and \$1,000 for second or subsequent offense.]

Establishes penalties for Oregon Liquor Control Commission licensee, or employee of licensee, committing offense of selling or making alcoholic liquor available to person under age of 21 years. Makes first offense violation punishable by fine of not less than \$250 and not more than \$720. Makes second offense violation punishable by fine of not less than \$500 and not more than \$720. Makes third or subsequent offense misdemeanor punishable by not less than \$1,000 fine and 30 days' imprisonment and not more than \$6,250 fine and one year's imprisonment.

A BILL FOR AN ACT

Relating to persons providing alcoholic beverages; amending ORS 471.410.

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

SECTION 1. ORS 471.410 is amended to read:

471.410. (1) *[No person shall]* **A person may not** sell, give or otherwise make available any alcoholic liquor to any person who is visibly intoxicated.

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

(3) *[No]* **A** person who exercises control over private real property may **not** knowingly allow any

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 other person under the age of 21 years who is not a child or minor ward of the person to consume
2 alcoholic liquor on the property, or allow any other person under the age of 21 years who is not a
3 child or minor ward of the person to remain on the property if the person under the age of 21 years
4 consumes alcoholic liquor on the property. The prohibitions of this subsection apply only to a person
5 who is present and in control of the location at the time the consumption occurs. The prohibitions
6 of this subsection do not apply to the owner of rental property, or the agent of an owner of rental
7 property, unless the consumption occurs in the individual unit in which the owner or agent resides.

8 **(4) Except as provided in subsection (6) of this section,** a person who violates subsection (1)
9 or (2) of this section commits a Class A misdemeanor. Upon violation of subsection (2) of this sec-
10 tion, the court shall impose at least a mandatory minimum sentence as follows:

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

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

13 (c) Upon a third or subsequent conviction, a fine of \$1,000 and not less than 30 days of
14 imprisonment.

15 (5) The court *[shall]* **may** not waive or suspend imposition or execution of the mandatory mini-
16 mum sentence required by subsection (4) of this section. In addition to the mandatory sentence the
17 court may require the violator to make restitution for any damages to property where the alcoholic
18 liquor was illegally consumed or may require participation in volunteer service to a community
19 service agency.

20 *[(6) The mandatory minimum penalty provisions of subsection (4) of this section shall not apply to*
21 *persons licensed or appointed under the provisions of this chapter.]*

22 **(6)(a) A person who violates subsection (2) of this section is subject to a mandatory**
23 **minimum penalty under this subsection if the person:**

24 **(A) Is licensed or appointed under this chapter; or**

25 **(B) Is an employee of a person licensed or appointed under this chapter and holds a valid**
26 **service permit or has attended a program approved by the Oregon Liquor Control Commis-**
27 **sion that provides training to avoid violations of this section.**

28 **(b) For a person described in paragraph (a) of this subsection:**

29 **(A) A first conviction is a Class A violation. The court shall impose a mandatory fine of**
30 **not less than \$250.**

31 **(B) A second conviction is a Class A violation. The court shall impose a mandatory fine**
32 **of not less than \$500.**

33 **(C) A third or subsequent conviction is a Class A misdemeanor. The court shall impose**
34 **a mandatory fine of not less than \$1,000 and a mandatory sentence of not less than 30 days**
35 **of imprisonment.**

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

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

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

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

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