

HOUSE AMENDMENTS TO HOUSE BILL 3343

By COMMITTEE ON JUDICIARY

May 1

1 On page 1 of the printed bill, line 2, after the first semicolon delete the rest of the line and line
2 3 and insert “amending ORS 471.410.”.

3 Delete lines 5 through 17 and delete pages 2 through 12 and insert:

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

5 “471.410. (1) [*No person shall*] **A person may not** sell, give or otherwise make available any
6 alcoholic liquor to any person who is visibly intoxicated.

7 “(2) No one other than the person’s parent or guardian [*shall*] **may** sell, give or otherwise make
8 available any alcoholic liquor to a person under the age of 21 years. A person violates this sub-
9 section who sells, gives or otherwise makes available alcoholic liquor to a person with the knowl-
10 edge that the person to whom the liquor is made available will violate this subsection.

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

20 “(4) **Except as provided in subsection (6) of this section**, a person who violates subsection
21 (1) or (2) of this section commits a Class A misdemeanor. Upon violation of subsection (2) of this
22 section, the court shall impose at least a mandatory minimum sentence as follows:

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

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

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

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

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

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

1 **“(A) Is licensed or appointed under this chapter; or**
2 **“(B) Is an employee of a person licensed or appointed under this chapter and holds a valid**
3 **service permit or has attended a program approved by the Oregon Liquor Control Commis-**
4 **sion that provides training to avoid violations of this section.**
5 **“(b) For a person described in paragraph (a) of this subsection:**
6 **“(A) A first conviction is a Class A violation. The court shall impose a mandatory fine**
7 **of not less than \$250.**
8 **“(B) A second conviction is a Class A violation. The court shall impose a mandatory fine**
9 **of not less than \$500.**
10 **“(C) A third or subsequent conviction is a Class A misdemeanor. The court shall impose**
11 **a mandatory fine of not less than \$1,000 and a mandatory sentence of not less than 30 days**
12 **of imprisonment.**
13 “(7) A person who violates subsection (3) of this section commits a violation. Upon violation of
14 subsection (3) of this section, the court shall impose at least a mandatory minimum fine as follows:
15 “(a) Upon a first conviction, a fine of \$350.
16 “(b) Upon a second or subsequent conviction, a fine of \$1,000.
17 “(8) Nothing in this section prohibits any licensee under this chapter from allowing a person
18 who is visibly intoxicated from remaining on the licensed premises so long as the person is not sold
19 or served any alcoholic liquor.”.
20
