

**A-Engrossed**  
**Senate Bill 227**

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

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Attorney General's Underage Drinking Task Force)

**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.

Increases penalty for knowingly furnishing alcohol to persons under age of 21 years.  
*[Imposes suspension of driving privileges or right to apply for driving privileges for 90 days in certain instances.]*

**Allows court to waive specified amount of fine if violator performs at least 30 hours of community service.**

**A BILL FOR AN ACT**

1  
2 Relating to furnishing alcoholic beverages to a minor; creating new provisions; and amending ORS  
3 471.410.

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

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

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

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

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

20 (4) A person who violates subsection (1) or (2) of this section commits a Class A misdemeanor.  
21 **Except as provided in subsection (5) of this section,** upon violation of subsection (2) of this sec-  
22 tion, the court shall impose at least a mandatory minimum sentence as follows:

23 (a) Upon a first conviction, a fine of [*\$350*] **at least \$500.**

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

25 (c) Upon a third or subsequent conviction, a fine of [*\$1,000*] **at least \$1,500** and not less than

**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 30 days of imprisonment.

2 [(5) *The court shall not waive or suspend imposition or execution of the mandatory minimum sen-*  
3 *tence required by subsection (4) of this section. In addition to the mandatory sentence the court may*  
4 *require the violator to make restitution for any damages to property where the alcoholic liquor was il-*  
5 *legally consumed or may require participation in volunteer service to a community service agency.*]

6 [(6)] (5) The mandatory minimum penalty provisions of subsection (4) of this section [*shall*] **do**  
7 not apply to persons licensed [*or appointed*] under the provisions of this chapter[.], **to an agent**  
8 **appointed under ORS 471.750 or to an employee of a licensee or agent, unless the person**  
9 **knowingly sells, gives or otherwise makes available alcoholic beverages to a person under the**  
10 **age of 21 years. For all other violations of subsection (2) of this section by a person licensed**  
11 **under the provisions of this chapter, by an agent appointed under ORS 471.750 or by an em-**  
12 **ployee of the licensee or agent, the court shall impose a mandatory minimum sentence as**  
13 **follows:**

14 (a) **Upon a first conviction, a fine of at least \$350.**

15 (b) **Upon a second or subsequent conviction, a fine of at least \$1,000.**

16 (6) **The court may waive an amount that is at least \$200 but not more than one-third of**  
17 **the fine imposed under subsection (4) of this section, if the violator performs at least 30**  
18 **hours of community service.**

19 (7) **Except as provided in subsection (6) of this section, the court may not waive or sus-**  
20 **pend imposition or execution of the mandatory minimum sentence required by subsection (4)**  
21 **or (5) of this section. In addition to the mandatory sentence, the court may require the vi-**  
22 **olator to make restitution for any damages to property where the alcoholic liquor was ille-**  
23 **gally consumed or may require participation in volunteer service to a community service**  
24 **agency.**

25 [(7)] (8) A person who violates subsection (3) of this section commits a violation. Upon violation  
26 of subsection (3) of this section, the court shall impose at least a mandatory minimum fine as follows:

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

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

29 [(8)] (9) Nothing in this section prohibits any licensee under this chapter from allowing a person  
30 who is visibly intoxicated from remaining on the licensed premises so long as the person is not sold  
31 or served any alcoholic liquor.

32 **SECTION 2. The amendments to ORS 471.410 by section 1 of this 2009 Act apply to vio-**  
33 **lations committed on or after the effective date of this 2009 Act.**

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