

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 351

Representative Bolon

Cosponsors: Representatives Williams, S., Phillips, Amstutz, Gardner

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A B I L L

To amend sections 4301.69 and 4301.99 of the Revised 1
Code regarding the criminal liability of an owner 2
or occupant of any public or private place who 3
allows a person under age 21 to remain in or on 4
the place while possessing or consuming beer or 5
intoxicating liquor. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4301.69 and 4301.99 of the Revised 7
Code be amended to read as follows: 8

Sec. 4301.69. (A) Except as otherwise provided in this 9
chapter, no person shall sell beer or intoxicating liquor to an 10
underage person, shall buy beer or intoxicating liquor for an 11
underage person, or shall furnish it to an underage person, unless 12
given by a physician in the regular line of the physician's 13
practice or given for established religious purposes or unless the 14
underage person is supervised by a parent, spouse who is not an 15
underage person, or legal guardian. 16

In proceedings before the liquor control commission, no 17
permit holder, or no employee or agent of a permit holder, charged 18
with a violation of this division shall be charged, for the same 19

offense, with a violation of division (A)(1) of section 4301.22 of the Revised Code. 20
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(B)(1) No person who is the owner or occupant of any public or private place shall ~~knowingly~~ allow any underage person to remain in or on the place ~~while possessing or consuming~~ when the person who is the owner or occupant knows or should know that beer or intoxicating liquor is being possessed or consumed by such underage person in or on the place, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor. 22
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(2) No person who is the owner or occupant of any public or private place shall recklessly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the beer or intoxicating liquor is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor. 33
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(3) An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions. 42
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(C) No person shall engage or use accommodations at a hotel, inn, cabin, campground, or restaurant when the person knows or has reason to know either of the following: 46
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(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the 49
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person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;

(2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs and has the drug of abuse in the original container in which it was dispensed to the person.

(D)(1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin, or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin, or campground by presenting identification that falsely indicates that the underage person is twenty-one years of age or older for the purpose of violating this section.

(E)(1) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in division (E)(1) of this section against an underage

person knowingly possessing, consuming, or being under the 83
influence of any beer or intoxicating liquor shall not apply if 84
the underage person is supervised by a parent, spouse who is not 85
an underage person, or legal guardian, or the beer or intoxicating 86
liquor is given by a physician in the regular line of the 87
physician's practice or given for established religious purposes. 88

(2)(a) If a person is charged with violating division (E)(1) 89
of this section in a complaint filed under section 2151.27 of the 90
Revised Code, the court may order the child into a diversion 91
program specified by the court and hold the complaint in abeyance 92
pending successful completion of the diversion program. A child is 93
ineligible to enter into a diversion program under division 94
(E)(2)(a) of this section if the child previously has been 95
diverted pursuant to division (E)(2)(a) of this section. If the 96
child completes the diversion program to the satisfaction of the 97
court, the court shall dismiss the complaint and order the child's 98
record in the case sealed under sections 2151.356 to 2151.358 of 99
the Revised Code. If the child fails to satisfactorily complete 100
the diversion program, the court shall proceed with the complaint. 101

(b) If a person is charged in a criminal complaint with 102
violating division (E)(1) of this section, section 2935.36 of the 103
Revised Code shall apply to the offense, except that a person is 104
ineligible for diversion under that section if the person 105
previously has been diverted pursuant to division (E)(2)(a) or (b) 106
of this section. If the person completes the diversion program to 107
the satisfaction of the court, the court shall dismiss the 108
complaint and order the record in the case sealed under section 109
2953.52 of the Revised Code. If the person fails to satisfactorily 110
complete the diversion program, the court shall proceed with the 111
complaint. 112

(F) No parent, spouse who is not an underage person, or legal 113
guardian of a minor shall knowingly permit the minor to violate 114

this section or section 4301.63, 4301.633, or 4301.634 of the Revised Code. 115
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(G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin, or campground. 117
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(H) As used in this section: 121

(1) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code. 122
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(2) "Hotel" has the same meaning as in section 3731.01 of the Revised Code. 124
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(3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 126
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(4) "Minor" means a person under the age of eighteen years. 129

(5) "Underage person" means a person under the age of twenty-one years. 130
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Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48, 4301.49, 4301.62, or 4301.70 or division (C) of section 4301.65 or division (B) of section 4301.691 of the Revised Code is guilty of a minor misdemeanor. 132
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(B) Whoever violates section 4301.15, division (A)(2) or (C) of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) of section 4301.631, or section 4301.64 or 4301.67 of the Revised Code is guilty of a misdemeanor of the fourth degree. 136
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If an offender who violates section 4301.64 of the Revised Code was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary 140
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instruction permit, probationary driver's license, or driver's 144
license for a period of not less than six months and not more than 145
one year. If the offender is fifteen years and six months of age 146
or older and has not been issued a temporary instruction permit or 147
probationary driver's license, the offender shall not be eligible 148
to be issued such a license or permit for a period of six months. 149
If the offender has not attained the age of fifteen years and six 150
months, the offender shall not be eligible to be issued a 151
temporary instruction permit until the offender attains the age of 152
sixteen years. 153

(C) Whoever violates division (D) of section 4301.21, section 154
4301.251, 4301.58, 4301.59, 4301.60, 4301.633, 4301.66, 4301.68, 155
or 4301.74, division (B)(1), (C), (D), (E)(1), or (F) of section 156
4301.69, or division (C), (D), (E), (F), (G), or (I) of section 157
4301.691 of the Revised Code is guilty of a misdemeanor of the 158
first degree. 159

If an offender who violates division (E)(1) of section 160
4301.69 of the Revised Code was under the age of eighteen years at 161
the time of the offense and the offense occurred while the 162
offender was the operator of or a passenger in a motor vehicle, 163
the court, in addition to any other penalties it imposes upon the 164
offender, shall suspend the offender's temporary instruction 165
permit or probationary driver's license for a period of not less 166
than six months and not more than one year. If the offender is 167
fifteen years and six months of age or older and has not been 168
issued a temporary instruction permit or probationary driver's 169
license, the offender shall not be eligible to be issued such a 170
license or permit for a period of six months. If the offender has 171
not attained the age of fifteen years and six months, the offender 172
shall not be eligible to be issued a temporary instruction permit 173
until the offender attains the age of sixteen years. 174

(D) Whoever violates division (B) of section 4301.14, or 175

division (A)(1) or (3) or (B) of section 4301.22 of the Revised Code is guilty of a misdemeanor of the third degree.

(E) Whoever violates section 4301.63 or division (B) of section 4301.631 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. The court imposing a fine for a violation of section 4301.63 or division (B) of section 4301.631 of the Revised Code may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed.

(F)(1) Whoever violates section 4301.634 of the Revised Code is guilty of a misdemeanor of the first degree. If, in committing a first violation of that section, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty and not more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months.

(2) On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating

privilege from the range specified in division (A)(7) of section 208
4510.02 of the Revised Code. 209

(3) On a third or subsequent violation in which, for the 210
third or subsequent time, the offender presented to the permit 211
holder or the permit holder's employee or agent a false, 212
fictitious, or altered identification card, a false or fictitious 213
driver's license purportedly issued by any state, or a driver's 214
license issued by any state that has been altered, the offender is 215
guilty of a misdemeanor of the first degree and shall be fined not 216
less than five hundred nor more than one thousand dollars, and may 217
be sentenced to a term of imprisonment of not more than six 218
months. The court also shall impose a class six suspension of the 219
offender's driver's or commercial driver's license or permit or 220
nonresident operating privilege from the range specified in 221
division (A)(6) of section 4510.02 of the Revised Code, and the 222
court may order that the suspension or denial remain in effect 223
until the offender attains the age of twenty-one years. The court 224
also may order the offender to perform a determinate number of 225
hours of community service, with the court determining the actual 226
number of hours and the nature of the community service the 227
offender shall perform. 228

(G) Whoever violates section 4301.636 of the Revised Code is 229
guilty of a felony of the fifth degree. 230

(H) Whoever violates division (A)(1) of section 4301.22 of 231
the Revised Code is guilty of a misdemeanor, shall be fined not 232
less than five hundred and not more than one thousand dollars, 233
and, in addition to the fine, may be imprisoned for a definite 234
term of not more than sixty days. 235

(I) Whoever violates division (A) of section 4301.69 or 236
division (H) of section 4301.691 of the Revised Code is guilty of 237
a misdemeanor, shall be fined not less than five hundred and not 238
more than one thousand dollars, and, in addition to the fine, may 239

be imprisoned for a definite term of not more than six months. 240

(J) Whoever violates division (B) of section 4301.65 of the 241
Revised Code is guilty of a misdemeanor of the third degree. For a 242
second or subsequent violation occurring within a period of five 243
consecutive years after the first violation, a person is guilty of 244
a misdemeanor of the first degree. 245

(K) Whoever violates division (B)(2) of section 4301.69 of 246
the Revised Code is guilty of a misdemeanor and shall be fined not 247
less than two hundred fifty and not more than five hundred 248
dollars. 249

Section 2. That existing sections 4301.69 and 4301.99 of the 250
Revised Code are hereby repealed. 251

Section 3. Section 4301.69 of the Revised Code is presented 252
in this act as a composite of the section as amended by both Am. 253
Sub. H.B. 137 and Sub. S.B. 131 of the 126th General Assembly. The 254
General Assembly, applying the principle stated in division (B) of 255
section 1.52 of the Revised Code that amendments are to be 256
harmonized if reasonably capable of simultaneous operation, finds 257
that the composite is the resulting version of the section in 258
effect prior to the effective date of the section as presented in 259
this act. 260