

# HOUSE BILL REPORT

## HB 1117

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### As Passed Legislature

**Title:** An act relating to penalties for the supplying of liquor to or the consumption of liquor by persons under the age of twenty-one.

**Brief Description:** Providing penalties for supplying liquor to or consuming liquor by minors.

**Sponsors:** Representatives Benson, Sheahan, Costa, D. Sommers, McDonald, Gombosky, Mulliken, Robertson, O'Brien, D. Schmidt, Backlund, Sterk, Wood, Sheldon, Quall, Anderson, Boldt and DeBolt.

**Brief History:**

**Committee Activity:**

Law & Justice: 1/24/97, 1/28/97 [DP].

**Floor Activity:**

Passed House: 2/21/97, 95-0;

Passed House: 1/12/98, 93-0.

Passed Legislature.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

**Staff:** Bill Perry (786-7123).

**Background:** The state's liquor code has a variety of penalty provisions for violations of the code. Violations of provisions that lack their own penalty provisions are covered by a general criminal penalty provision. This general provision provides for the following criminal penalties for individual persons:

1. On a first conviction, a fine of up to \$500 and imprisonment for up to two months;
2. on a second conviction, imprisonment for up to six months; and
3. on a third conviction, imprisonment for up to one year.

The penalties imposable under this provision against a corporation are as follows:

1. On a first conviction, a fine of up to \$5,000; and
2. on a second or subsequent conviction, a fine of up to \$10,000.

Providing liquor to a minor, and possession or consumption of liquor by a minor, are crimes without specific penalty provisions and are therefor subject to this general provision. Because of the way this general provision is structured, fines may not be imposable against individuals for second or third convictions.

The maximum imprisonment, one year, allowed for a third conviction against an individual under the general penalty provision is the same as the maximum imprisonment possible for a gross misdemeanor. The maximum fine for a gross misdemeanor is \$5,000.

**Summary of Bill:** The crimes of providing liquor to a minor and possessing or consuming liquor by a minor are made gross misdemeanors.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill will bring more rational uniformity to sentencing in these cases. It will allow appropriate exercise of discretion by judges in setting sentences.

**Testimony Against:** None.

**Testified:** Representative Benson, prime sponsor; and Judges Mike Padden and Stephen Dwyer, Washington Municipal and District Court Judges Association (pro).