

# HOUSE BILL REPORT

## SSB 5304

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### As Reported By House Committee On:

Commerce & Labor

**Title:** An act relating to penalties imposed for violations of the state liquor code.

**Brief Description:** Making violations of the liquor code misdemeanor offenses.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Costa, Heavey, Fairley, Goings, McCaslin and West).

### Brief History:

#### Committee Activity:

Commerce & Labor: 3/22/99, 4/2/99 [DPA].

#### Brief Summary of Substitute Bill (As Amended by House Committee)

- Changes the maximum punishment for a violation of requirements for selling and purchasing kegs of malt liquor.
- Decreases the maximum punishment for a violation of the prohibition against opening or consuming liquor in public places.
- Limits changes in punishment to violations committed on or after the effective date of this act.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

**Staff:** Pam Madson (786-7166).

### Background:

Throughout the liquor laws, actions that violate various provisions of the law are designated misdemeanors, but the punishment specified may vary depending on the behavior that serves as the basis for the violation. For example, a person who intentionally furnishes a keg of malt liquor to a minor may be punished by a fine of up to \$500 or up to two months imprisonment, or both. For each of two subsequent offenses, the period of imprisonment increases to a maximum of one year. A person who is convicted of the prohibition against opening a container of liquor or consuming liquor in public is punishable by a fine of \$100.

Persons who violate requirements for selling or purchasing kegs of malt liquor, except sales to minors, may receive a fine of up to \$500. Failure by the seller to obtain required proof of the buyer's legal age and the location where the malt liquor will be consumed or where the keg is physically located may result in a fine only.

Two separate sections of the liquor laws deal with selling liquor to minors or persons under the age of 21. One section establishes a gross misdemeanor violation for any person selling, giving or otherwise supplying liquor to a person under the age of 21. A second section establishes a violation for any person selling liquor to a minor and provides a lesser penalty.

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**Summary of Amended Bill:**

The maximum punishment is changed for any person who violates the requirements for selling and purchasing kegs of malt liquor, including intentional sales to a person under the age of 21. All keg registration violations are punished as gross misdemeanors. The punishment includes up to one year imprisonment in the county jail or a fine of \$5,000, or both.

Persons who violate the prohibition against opening or consuming liquor in public places may be guilty of a class 3 civil infraction which is punishable by a fine of up to \$50.

Any changes in punishment apply to those violations committed after the effective date of this act.

**Amended Bill Compared to Substitute Bill:** (1) Deletes changes to penalties established for violations of the liquor laws for which no penalty is specified; (2) designates consuming liquor in public a class 3 infraction which is punishable by a fine of up to \$50; and (3) repeals a violation for selling liquor to a minor, which is addressed in another section of law making a similar violation a gross misdemeanor.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (On Senate bill without house amendments) The bill makes penalties more consistent and makes enforcement by the Liquor Control Board and law enforcement agencies easier. Current liquor laws provide a unique penalty scheme that is different from the misdemeanor, gross misdemeanor designations for other criminal violations. This makes the liquor law penalties unfamiliar to the courts. For some crimes that only designate a fine as a penalty, no bench warrant can issue against a person cited for a violation who doesn't show up for court. It puts this crime in limbo between an infraction and a criminal action. For licensees, criminal violations may be imposed as well as administrative penalties that include closing a licensee's business, and this is a concern.

**Testimony Against:** None

**Testified:** Gary Gilbert, Washington State Liquor Control Board; and Brett Buckley, District and Municipal Court Judges Association.

(With concerns) Michael Transue, Washington State Restaurant Association; and Joe Daniels, United Food and Commercial Workers District Council #17.