

SENATE BILL REPORT

SHB 1183

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 29, 1993

Brief Description: Making it a crime for a person under age twenty-one to be under the influence of intoxicating liquor or drugs in public.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Chappell, Brumsickle, Riley, Tate, Sehlin, Ludwig, H. Myers, Johanson, Brough, Van Luven, R. Meyers, Ballard, Padden, Sheahan, Talcott, Roland, Long, Holm, Wang, Ballasiotes, Mielke, Wood, Foreman and Vance)

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Nelson, and Spanel.

Staff: Lidia Mori (786-7755)

Hearing Dates: March 24, 1993; March 29, 1993

BACKGROUND:

It is unlawful for a person under the age of 21 years old to acquire, possess, or consume liquor. This offense is covered by a general penalty provision in the liquor code that establishes the following penalties: for a first offense, up to two months in jail and a \$500 fine; for a second offense, up to six months in jail; and for a third offense, up to one year in jail.

Exceptions to the prohibition against possession or consumption by a minor are provided for the following circumstances:

- o When liquor is consumed by a person under the age of 21 in the presence of the person's parent. This exception does not apply in a licensed premises.
- o When liquor is given to a person under the age of 21 for medicinal purposes by a parent, physician, or dentist.
- o When liquor is given to a person under the age of 21 as part of a religious service and in the minimum amount necessary for the service.

In 1988, the Legislature made a violation of this "minor in possession" law an offense for which a police officer may make an arrest without a warrant and without having witnessed the

offense. However, the state Supreme Court has ruled that alcohol in the body does not amount to "possession" or "consumption" under this law.

There is no general prohibition against adults or minors being in public while under the influence of liquor or drugs. The crime of being drunk in public was repealed several years ago.

SUMMARY:

It is unlawful for a person under the age of 21 to be in a public place while under the influence of or affected by intoxicating liquor or any drug. Exceptions to this prohibition are provided for:

- o Liquor or drugs given under the direction of a physician or dentist; or
- o Liquor given in minimal amounts for religious services.

For a person under age 18, a violation of this law is the lowest category of juvenile offense, category E.

SUMMARY OF PROPOSED SENATE AMENDMENT:

It is unlawful for any person to permit a person under the age of 21 years to consume liquor on his or her premises or on any premises under that person's control. Premises include real property, houses, building, or other structures, motor vehicles and watercraft.

It is unlawful for a minor to be in a public place or to be in a motor vehicle that is in a public place while exhibiting the effects of having consumed liquor unless the minor is in the presence of a parent or guardian or the liquor was consumed in connection with religious services or a parent, guardian, dentist or physician gave the minor the liquor for medicinal purposes. A person exhibits the effects of having consumed liquor by having the odor of liquor on his or her breath and possessing or being in close proximity to a container that has or recently had liquor in it. Exhibiting the effects of having consumed liquor also means having the odor of liquor on one's breath and showing, through speech, manner, appearance, behavior, lack of coordination or otherwise, that one is under the influence of liquor.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This bill would create a necessary law. Kids have become sophisticated. They tell an officer that they consumed alcohol in a neighboring jurisdiction and then the police officer can't arrest the youth.

TESTIMONY AGAINST: None

TESTIFIED: Representative Chappell, original prime sponsor