

HOUSE BILL ANALYSIS

SSB 5304

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

Sponsors: Senators Costa and Heavey

Hearing: March 22, 1999

Brief Summary of Bill

- Changes the maximum punishment for violation of requirements for selling and purchasing kegs of malt liquor.
- Increases the maximum punishment applied to violations of the liquor laws for which no punishment is specified.
- Increases the maximum punishment for violations 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.

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.

Certain behavior is a violation of the liquor laws for which no punishment is specified. If a person is found guilty of such a violation, a general penalty is designated. The penalty is a fine of not more than \$500 or not more than two months imprisonment, or both, for the first conviction. The second conviction increases the maximum period of imprisonment to six months. For the third conviction, the maximum period of imprisonment increases to one year.

Examples of actions that may be a violation of the liquor laws for which no punishment is specified include the sale of liquor by a person who is unauthorized to sell it, purchase of liquor by a minor and failure of a licensee to produce books and records for inspection when requested by the board.

State law, other than the liquor laws, specifies punishment for any conviction based on a law that is designated a misdemeanor but for which no punishment is specified. The punishment imposed may be a maximum of 90 days imprisonment in the county jail or a maximum fine of \$1,000, or both.

SUMMARY OF 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 minor. 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.

The maximum punishment for persons who sell liquor to minors is established as a gross misdemeanor, making the punishment consistent under both sections of law that reference selling liquor to minors or persons under the age of 21.

The maximum punishment for a person violating liquor laws for which no punishment is specified is increased to ninety days imprisonment in the county jail, a fine of \$1,000, or both. These violations are considered misdemeanor violations. Violations may be determined by other than criminal convictions.

Persons who violate the prohibition against opening or consuming liquor in public places may be guilty of a misdemeanor and may be punished by imprisonment of up to 90 days in jail, a fine of \$1,000, or both.

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

RULES AUTHORITY: The bill does not contain provisions addressing the rule making powers of an agency.

FISCAL NOTE: Available.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.