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**Criminal Justice & Corrections  
Committee**

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**HB 1118**

**Brief Description:** Allowing local option penalties for public drinking.

**Sponsors:** Representatives O'Brien, Darneille, Lovick, Conway, Cairnes, Mielke, Pearson, Roach, Benson and Wallace.

**Brief Summary of Bill**

- Authorizes counties and cities to enact an ordinance to increase the penalties to a misdemeanor offense for violating the prohibition of the open container law and consuming liquor in a public place.

**Hearing Date:** 1/28/03

**Staff:** Yvonne Walker (786-7841).

**Background:**

Throughout the state liquor laws, actions that violate various provisions of the statute are designated misdemeanors (carrying a maximum sentence of one-year of incarceration, a fine of \$5,000 or both), however there are some exceptions. For example, it is a criminal offense to open a package containing liquor or consume liquor in a public place. A violation of this offense is a class 3 civil infraction offense punishable by a monetary penalty of up to \$50.

With certain exceptions, a "public place" can generally be defined as such areas as streets and alleys of incorporated cities and towns; state, county or township highways or roads; buildings and grounds used for school purposes; public dance halls and adjacent grounds; certain establishments where beer may be sold, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public, railroad trains, publicly owned bathing beaches, parks, and playgrounds; and other such places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

Some municipalities and counties prohibit the consumption of alcohol in certain areas known as alcohol impact areas. An alcohol impact area, as defined in Chapter 314-12 of the Washington Administrative Code (WAC) rules, is a geographic area within a city, town, or county that is adversely affected by chronic public inebriation or illegal activity associated with alcohol sales or consumption. The area must be designated by ordinance of the government subdivision and recognized by resolution of the Liquor Control Board.

**Summary of Bill:**

County and city legislatures are authorized to enact an ordinance providing for an alternative penalty to the class 3 civil infraction crimes of 1) opening a liquor container and 2) consuming liquor, in a public place. If one of these offenses occurs in a business district or an alcohol impact area recognized by the Liquor Control Board in Chapter 314-12 of the WAC then the alternative penalty, if enacted by a local ordinance, may be punishable as a misdemeanor offense.

**Appropriation:** None.

**Fiscal Note:** Available.

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