

SENATE BILL REPORT

SB 6137

AS PASSED SENATE, FEBRUARY 12, 1992

Brief Description: Conforming penalties for alcoholic beverage violations with other criminal penalties.

SPONSORS: Senators Nelson, A. Smith, Erwin, Gaspard and Oke.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Newhouse, Rasmussen, and A. Smith.

Staff: Dick Armstrong (786-7460)

Hearing Dates: January 23, 1992

BACKGROUND:

Unless a specific statute provides otherwise, RCW 66.44.180 contains the general penalty provisions for violating the various statutes regarding the sale and possession of alcoholic beverages. For example, it is a crime for a person under 21 years of age to consume or possess alcohol, and the general penalty statute applies to any violator.

Under the general penalty statute, a court has the power on a first offense to impose either jail or a fine, or both. However, for a second or subsequent offense, the only option available is jail.

District court judges are reluctant in some cases to impose jail on a second or subsequent offense for a minor in possession of alcohol because of difficulties being encountered with housing juvenile offenders. Courts would like the option to impose a monetary penalty in appropriate cases.

It is suggested that the general penalty statute for violators of the Alcoholic Beverage Control Act be standardized to be consistent with the penalties for other misdemeanors and gross misdemeanor crimes.

SUMMARY:

The general penalty statute of the Alcoholic Beverage Control Act is standardized to be consistent with other penalties for misdemeanors and gross misdemeanor crimes. The statute is amended to allow courts the authority to impose monetary fines for second and subsequent offenses.

For a first offense, the penalty is a fine of not more than \$1,000 and imprisonment for not more than 90 days, or both. For a second offense, the penalty is a fine of not more than \$1,000 and imprisonment for not more than six months, or both. For a third and subsequent offense, the penalty is a fine of not more than \$5,000 and imprisonment for not more than one year, or both.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This will give judges the option of imposing a monetary fine (which is usual in misdemeanor and gross misdemeanor cases). This will result in better sentencing policy.

TESTIMONY AGAINST: None

TESTIFIED: Judge McBeth; Judge Seitz