

HOUSE BILL REPORT

HB 1579

As Passed House:

March 15, 2003

Title: An act relating to decriminalizing "fine only" criminal statutes.

Brief Description: Decriminalizing "fine only" criminal statutes.

Sponsors: By Representatives O'Brien, Delvin, Kagi, Mastin, Sullivan and Wood.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/11/03, 2/21/03 [DP].

Floor Activity:

Passed House: 3/15/03, 94-0.

Brief Summary of Bill

- Decriminalizes several misdemeanor crimes.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Lovick and Pearson.

Staff: Jim Morishima (786-7191).

Background:

I. Public or Common Nuisances

A public nuisance (otherwise known as a common nuisance) is a nuisance that affects an entire community or neighborhood. What constitutes a public nuisance is governed by the common law and by statute. Examples of public nuisances include causing the carcass of any animal to be deposited in any place to the prejudice of others, obstructing or impeding the passage of any river without legal authority, establishing powder magazines near incorporated cities or towns at a point different from that appointed by the city or town (or within 50 rods of any occupied dwelling house), and using any

building for the exercise of any trade, which, by occasioning obnoxious exhaltation, is offensive or dangerous to the health of individuals or of the public.

If a person is convicted of erecting, causing, or contriving a public or common nuisance, he or she must be punished by a fine not exceeding \$1,000 if no other punishment is specially provided.

II. Alcohol Servers

A person who sells alcohol for consumption at an on-premise retail licensed facility as a regular requirement of his or her employment must have a permit issued by an entity that has been certified by the Liquor Control Board (Board). Some alcohol servers must view a video training session designed by the Board for alcohol servers. The Board may adopt rules to implement the alcohol server permitting program.

Violation of the statutes and rules dealing with alcohol servers is a misdemeanor. A first violation is punishable by a fine of not more than \$250. A subsequent violation is punishable by a fine of not more than \$500, imprisonment for not more than 90 days, or both.

III. Vessel Registration

Most vessels (watercraft capable of being used as a means of transportation on the water other than seaplanes) must be registered. A vessel that is required to register (other than certain vessels of the United States) must have a registration number and a decal in order to operate on the waters of the state. The Department of Licensing (DOL) may adopt rules to implement the vessel registration statutes.

A violation of the vessel registration statutes or the DOL rules is a misdemeanor. A first violation is punishable by a fine not to exceed \$100 per vessel. A second violation within one year is punishable by a fine not to exceed \$200 per vessel. A third (or subsequent) violation within one year is punishable by a fine not to exceed \$400 per vessel.

Summary of Bill:

Misdemeanors for violations of statutes relating to public nuisances, alcohol servers, and vessel registration are decriminalized. The misdemeanors are converted to infractions, which are non-criminal in nature. Misdemeanors that authorize imprisonment are not decriminalized.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is a good idea and would make the jobs of judges and law enforcement easier. Presently, district and municipal courts cannot issue warrants for people who fail to appear for these crimes. Decriminalizing them will allow the courts to enter default judgments for people who do not appear, like in other civil cases.

Testimony Against: None.

Testified: Representative O'Brien, prime sponsor; and Judge Steve Dwyer, District of Municipal Court Judges Association.