

# SENATE BILL REPORT

## HB 1579

---

---

As Reported By Senate Committee On:  
Judiciary, April 2, 2003

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

**Brief Description:** Decriminalizing "fine only" criminal statutes.

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

**Brief History:**

**Committee Activity:** Judiciary: 3/27/03, 4/2/03 [DP].

---

### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** A public nuisance is a nuisance that affects a 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, and using any building for the exercise of any trade whose smell is offensive or dangerous to the health of individuals or of the public. A person convicted of erecting, causing, or contriving a public nuisance is punished by a fine not exceeding \$1,000.

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. 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 and/or imprisonment for not more than 90 days.

Most vessels must be registered and must have a registration number and a decal in order to operate on the waters of the state. The Department of Licensing adopts rules to implement the vessel registration statutes. A violation of the vessel registration statutes or 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 of up to \$200 per vessel. Subsequent violations within one year are punishable by a fine not to exceed \$400 per vessel.

**Summary of Bill:** Misdemeanors, punishable solely by fines, for violations relating to public nuisances, alcohol servers, and vessel registration are decriminalized. The misdemeanors are converted to infractions. Misdemeanors that authorize imprisonment are not decriminalized.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** It makes sense to decriminalize these offenses because they are punishable only by a fine. Decriminalization will save local court costs, while providing the same punishment.

**Testimony Against:** None.

**Testified:** PRO: Melanie Stewart, District and Municipal Court Judges Association.