

HOUSE BILL REPORT

SB 6137

*As Reported By House Committee on:
Judiciary*

Title: An act relating to conformation of penalties for alcoholic beverage violations with other criminal penalties.

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

Sponsor(s): Senators Nelson, A. Smith, Erwin, Gaspard and Oke.

Brief History:

Reported by House Committee on:
Judiciary, February 28, 1992, DP.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Bill Perry (786-7123).

Background: The state liquor code contains a number of criminal offenses. Unless a specific section in that code provides otherwise, a general penalty provision prescribes the penalties to be imposed for any violation of the liquor code. 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 this crime.

Under the liquor code's general penalty statute, a court has the explicit power on a first offense to impose either jail time or a fine, or both. The fine is a maximum of \$500, and the imprisonment is for not more than two months. However, for a second or third offense, the only explicitly stated punishment is an increase in the imprisonment maximums to six months and one year, respectively. There is no reference to any fine for a second or third violation.

The standard maximum penalties for misdemeanor offenses under the state's criminal code is 90 days in jail and a \$1,000 fine. For a gross misdemeanor it is one year in jail and a \$5,000 fine.

Summary of Bill: The general penalty statute of the Alcoholic Beverage Control Act is amended. Courts are given explicit authority to impose both a fine and imprisonment for repeat offenses.

The maximum fine for a first offense is raised from \$500 to \$1,000 and the maximum imprisonment is increased from two months to 90 days. For a second offense, a fine of not more than \$1,000 is authorized in addition to possible imprisonment for not more than six months. For a third or subsequent offense, a fine of not more than \$5,000 is authorized in addition to possible imprisonment for not more than one year.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Witnesses: None.