

HOUSE BILL REPORT

HB 1288

As Reported By House Committee On:
Judiciary

Title: An act relating to increasing penalties for furnishing of liquor to minors.

Brief Description: Increasing penalties for furnishing liquor to minors.

Sponsors: Representatives Heavey, Brough, Jones, Long, Shin, Karahalios, Foreman, Springer, Cooke, Wood, Casada and Quall.

Brief History:

Reported by House Committee on:
Judiciary, March 2, 1993, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Bill Perry (786-7123).

Background: At least three provisions of the state's liquor control laws prohibit providing liquor to a minor. These provisions include:

- o A prohibition against supplying liquor to a minor, or permitting a minor to consume liquor (RCW 66.44.270). Supplying includes selling or giving. Permitting involves allowing a minor to consume on premises controlled or owned by the permitting person.
- o A prohibition against selling liquor to a minor (RCW 66.44.320).
- o A prohibition against treating a minor to liquor (RCW 66.44.300). Treating involves inviting a minor into a public place where liquor is sold and includes giving liquor to a minor, or buying liquor for a minor.

There appears to be considerable overlap among these three provisions. Only one of them, the so-called "treating" provision is designated as a specific crime. Treating is a misdemeanor, which means it carries a maximum penalty of 90 days in jail and a fine of \$1,000. The other two provisions "supplying" or "permitting," and "selling" are covered by a general penalty provision in the Liquor Code that establishes the following penalties:

- o With respect to an individual offender: for a first offense, up to two months in jail and a \$500 fine; for a second offense, up to six months in jail; and for a third offense, up to one year in jail.
- o With respect to a corporate offender: for a first offense, up to a \$5,000 fine; and for a second offense, up to a \$10,000 fine and loss of corporate license.

The maximum penalty for a gross misdemeanor is a fine of up to \$5,000 and incarceration for up to one year.

Summary of Substitute Bill: The current prohibition against supplying liquor to a minor or permitting a minor to consume liquor is made a misdemeanor and is limited to cases in which the supplying or permitting is done without knowledge that the minor is under the age of 21.

A new gross misdemeanor crime is created for supplying liquor to a minor or permitting a minor to consume liquor with knowledge that the minor is under the age of 21.

Substitute Bill Compared to Original Bill: The original bill contained a mandatory one day in jail requirement for the gross misdemeanor offense.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Witnesses: None.