

HOUSE BILL ANALYSIS

HB 1087

Title: An act relating to penalties for public consumption of liquor.

Brief Description: Providing penalties for public consumption of liquor.

Sponsors: Representative Sheahan.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: The state's liquor code contains a variety of civil and criminal penalties for violations of the code. With certain exceptions, opening a liquor container or consuming liquor in public is a violation of the code. Although the violation is designated as a "misdemeanor," the only penalty provided for a violation is a fine of up to \$100. No jail time may be imposed. Because no jail time may be imposed, a court may not issue a bench warrant for the arrest of a defendant who fails to appear in court. This may result in cases languishing indefinitely.

A civil infraction results in a fine. Failure to respond to a notice of infraction results in imposition of the fine, which may then be collected through ordinary civil enforcement of judgment means.

Summary of Bill: Opening a liquor container or consuming liquor in public is made a class 2 civil infraction. The maximum fine is \$125.

Fiscal Note: Not requested.

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

Office of Program Research