

HOUSE BILL REPORT

HB 1087

As Passed House

January 14, 1998

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

Brief Description: Providing penalties for public consumption of liquor.

Sponsors: Representative Sheahan.

Brief History:

Committee Activity:

Law & Justice: 1/24/97, 1/28/97 [DP].

Floor Activity:

Passed House: 2/5/97, 91-0;

Passed House: 1/14/98, 95-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill will allow cases to be closed. This is the most practical way to deal with these kinds of cases and may result in a greater percentage of fines being collected.

Testimony Against: None.

Testified: Judges Mike Padden and Stephen Dwyer, Washington Municipal and District Court Judges Association (pro); and Carter Mitchell, Liquor Control Board (pro).