

# HOUSE BILL REPORT

## SB 5072

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### As Reported By House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to providing liquor to persons under age twenty-one.

**Brief Description:** Increasing the penalty for providing liquor to persons under age twenty-one.

**Sponsors:** Senators Kohl, Roach, Fairley, Hargrove, Haugen, Goings, McCaslin, Long, Winsley and Oke.

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 3/25/97, 4/16/97 [DPA].

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; Blalock; Cairnes; Delvin; Hickel; Mitchell and Robertson.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Dickerson and Sullivan.

**Staff:** Pat Shelledy (786-7149).

**Background:** The state's liquor code has a variety of penalty provisions for violations of the code. Violations of provisions that lack their own penalty provisions are covered by a general criminal penalty provision. This general provision provides for the following criminal penalties for individual persons

1. on a first conviction: a fine of up to \$500 and imprisonment for up to two months;
2. on a second conviction: imprisonment for up to six months; and
3. on a third conviction: imprisonment for up to one year.

The penalties imposable under this provision against a corporation are as follows

1. on a first conviction: a fine of up to \$5,000; and
2. on a second or subsequent conviction: a fine of up to \$10,000.

Providing liquor to a minor, and possession or consumption of liquor by a minor, are crimes without specific penalty provisions and are therefor subject to this general provision. Because of the way this general provision is structured, fines may not be imposable against individuals for second or third convictions.

The maximum imprisonment, one year, allowed for a third conviction against an individual under the general penalty provision is the same as the maximum imprisonment possible for a gross misdemeanor. The maximum fine for a gross misdemeanor is \$5,000.

**Summary of Amended Bill:** The crimes of providing liquor to a minor and possessing or consuming liquor by a minor are made gross misdemeanors.

**Amended Bill Compared to Original Bill:** The provisions of HB 1117 replace the underlying bill. The underlying bill raised the penalty for *giving* liquor to minors to a gross misdemeanor but did not raise the penalty for *selling* liquor to minors. The underlying bill did not change the penalty for illegally *possessing* liquor. The underlying bill also raised the penalty to a gross misdemeanor for allowing a minor into an establishment that sells liquor and the gives the minor liquor.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Allowing teenagers to drink at parties at homes and then letting them drive has caused terrible tragedies. The penalties must be increased. There is another section in the law that needs to be changed as well so there are not conflicting penalty provisions.

**Testimony Against:** None.

**Testified:** Senator Kohl, prime sponsor; and Gary Gilbert, Liquor Control Board.