

HOUSE BILL ANALYSIS

SSB 5582

Title: An act relating to liquor purchases by persons apparently under the influence of liquor.

Brief Description: Prohibiting the purchase of liquor by intoxicated persons.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Roach, Goings, Schow, Stevens, Oke and Kline).

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: It is unlawful for any person to sell liquor to a person "apparently under the influence of liquor."

A violation of this provision carries criminal penalties. A first offense is punishable by a fine of up to \$500 and by imprisonment for up to two months. A second offense is punishable by imprisonment for up to six months, and a third offense by imprisonment for up to one year.

If a corporation violates this provision, it is subject to a fine of up to \$5,000 for a first offense, and a fine of up to \$10,000 and loss of its corporate license for a second or subsequent offense.

In addition, persons or businesses that are licensed by the Liquor Control Board to sell liquor may have their licenses suspended or revoked for violating this law.

Although it is a crime for a person to *sell* liquor to a person who is under the influence, it is not a crime for the person who is under the influence to *buy* liquor. It has been the declared statutory policy of the state since 1972 that "alcoholics and intoxicated persons may not be subject to criminal prosecution solely because of their consumption of alcoholic beverages."

Summary of Bill: It is an infraction for an apparently intoxicated— person to purchase or consume liquor on any licensed premises. The maximum penalty for the infraction is a \$500 fine.

Intoxicated— means:

- Impairment of mental or physical faculties that diminishes the ability to think and act in the manner of an ordinarily prudent cautious person who is in full possession of his or her faculties and who is using reasonable care; or
- Having been refused service as intoxicated– within the previous 12 hours; or
- Sufficiently intoxicated to be a danger to self or others; or
- In danger of losing consciousness from further ingestion of liquor.

A defendant may not use his or her own intoxication as a defense against a citation under the act.

Every establishment that sells liquor must conspicuously post notice of the provisions of the act.

Fiscal Note: Available on original bill; new fiscal note requested February 19, 1998 on substitute bill.

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

Office of Program Research