

FINAL BILL REPORT

SSB 5304

C 189 L 99

Synopsis as Enacted

Brief Description: Making violations of the liquor code misdemeanor offenses.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Costa, Heavey, Fairley, Goings, McCaslin and West).

Senate Committee on Judiciary

House Committee on Commerce & Labor

Background: Keg Registration; Drinking in Public. Washington law requires the seller and purchaser of kegs or other containers containing four gallons or more of malt liquor to complete certain registration requirements prior to the sale. In addition, the kegs or containers themselves must carry certain identification marks. The only penalty provided for a violation is a fine up to \$500. No jail time may be imposed.

With certain exceptions, opening a liquor container or consuming liquor in public is a violation of the code. A violation of this law is designated as a misdemeanor, and 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 for the above offenses, a court may not issue a bench warrant for the arrest of a defendant who fails to appear in court. This has resulted in a significant number of cases languishing indefinitely.

General Penalty Provision. 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 the following criminal penalties for individual persons: on a first conviction, a fine of up to \$500 and imprisonment for up to two months; on a second conviction, imprisonment for up to six months; and on a third conviction, imprisonment for up to one year.

Because of the way this general provision is structured, fines may not be imposed against individuals for second or third convictions. The maximum imprisonment allowed for a third conviction against an individual under the general penalty provision is one year. This maximum is the same as the maximum imprisonment possible for a gross misdemeanor. The maximum fine for a gross misdemeanor is \$5,000.

Summary: Keg registration violations and furnishing kegs to minors are gross misdemeanors. Consuming liquor in public is a class 3 infraction which is punishable by a fine of up to \$50. The violation of selling liquor to a minor, RCW 66.44.320, is repealed due to the fact it is addressed in another section of law which makes a similar violation a gross misdemeanor.

Votes on Final Passage:

Senate	48	0	
House	94	0	(House amended)
Senate	43	0	(Senate concurred)

Effective: July 25, 1999