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HOUSE BILL 2232

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Hinkle, Pearson, Hope, O'Brien, Klippert, McCune, Kelley, and Kristiansen

Read first time 02/17/09. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to imposing a minimum fine for furnishing liquor to  
2 a minor; amending RCW 66.44.270; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 66.44.270 and 1998 c 4 s 1 are each amended to read as  
5 follows:

6            (1) It is unlawful for any person to sell, give, or otherwise  
7 supply liquor to any person under the age of twenty-one years or permit  
8 any person under that age to consume liquor on his or her premises or  
9 on any premises under his or her control. For the purposes of this  
10 subsection, "premises" includes real property, houses, buildings, and  
11 other structures, and motor vehicles and watercraft. A violation of  
12 this subsection is a gross misdemeanor punishable as provided for in  
13 chapter 9A.20 RCW, except that a mandatory minimum fine of five hundred  
14 dollars shall be imposed. The fine imposed may not be suspended or  
15 deferred.

16            (2)(a) It is unlawful for any person under the age of twenty-one  
17 years to possess, consume, or otherwise acquire any liquor. A  
18 violation of this subsection is a gross misdemeanor punishable as  
19 provided for in chapter 9A.20 RCW.

1 (b) It is unlawful for a person under the age of twenty-one years  
2 to be in a public place, or to be in a motor vehicle in a public place,  
3 while exhibiting the effects of having consumed liquor. For purposes  
4 of this subsection, exhibiting the effects of having consumed liquor  
5 means that a person has the odor of liquor on his or her breath and  
6 either: (i) Is in possession of or close proximity to a container that  
7 has or recently had liquor in it; or (ii) by speech, manner,  
8 appearance, behavior, lack of coordination, or otherwise, exhibits that  
9 he or she is under the influence of liquor. This subsection (2)(b)  
10 does not apply if the person is in the presence of a parent or guardian  
11 or has consumed or is consuming liquor under circumstances described in  
12 subsection (4) or (5) of this section.

13 (3) Subsections (1) and (2)(a) of this section do not apply to  
14 liquor given or permitted to be given to a person under the age of  
15 twenty-one years by a parent or guardian and consumed in the presence  
16 of the parent or guardian. This subsection shall not authorize  
17 consumption or possession of liquor by a person under the age of  
18 twenty-one years on any premises licensed under chapter 66.24 RCW.

19 (4) This section does not apply to liquor given for medicinal  
20 purposes to a person under the age of twenty-one years by a parent,  
21 guardian, physician, or dentist.

22 (5) This section does not apply to liquor given to a person under  
23 the age of twenty-one years when such liquor is being used in  
24 connection with religious services and the amount consumed is the  
25 minimal amount necessary for the religious service.

26 (6) Conviction or forfeiture of bail for a violation of this  
27 section by a person under the age of twenty-one years at the time of  
28 such conviction or forfeiture shall not be a disqualification of that  
29 person to acquire a license to sell or dispense any liquor after that  
30 person has attained the age of twenty-one years.

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