

## **PROPORTIONAL PENALTIES FOR INADVERTENT ALCOHOL SALES (SB 1546-A) 2014 Session**

### **BACKGROUND:**

Currently under Oregon law, the first-time penalty to employees (your local checkout clerks) of off-premises sales licensees for inadvertent or unknowing alcohol sales in either traditional or “self-checkouts” may be charged as a Class A Misdemeanor – a criminal offense. It is common practice within the industry to fire the employee in these cases – even on a first mistake.

The members of United Food and Commercial Workers (UFCW) Local 555 are dedicated to keeping alcohol and tobacco out of the hands of minors. The impact of a Class A Misdemeanor is often the end of the employee’s career within our industry as they are unable to find new employment with this on their record. A Class A Misdemeanor is not a proportional penalty to the offense committed on unknowing or unintentional sales. Many district attorneys have shifted towards charging this offense as a Class A Violation, but it is not consistent throughout Oregon.

This measure would reduce the penalty for alcohol sales to a Class A Violation on a first offense throughout Oregon. This would allow clerks who have been fired the hope of more easily staying within the industry and applying for future positions.

### **KEY POINTS:**

- The intent is to address unknowing or unintentional sales only. This is clearly referenced in the measure.
- Clerks would still be required under ORS 471.341 to complete a mandatory training course.
- The presumptive fine on a first offense for a Class A Violation would be \$435 under ORS 153.019.
- Resolves terminology conflict to reflect that offense of endangering welfare of minors through distributing, selling, or causing sale of tobacco to minors is already Class A violation.

### **QUESTIONS?**

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