

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1752

Short Title: Aiding and Abetting Alcohol Possession. (Public)

Sponsors: Representatives Avila; Barnhart, Dollar, Hilton, Killian, Samuelson, and Tillis.

Referred to: Alcoholic Beverage Control, if favorable, Judiciary III.

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO CREATE A MINIMUM MANDATORY PENALTY FOR PARENTS OR INDIVIDUALS THAT HAVE LEGAL OR PHYSICAL CUSTODY OF A PERSON WHO IS UNDER THE AGE OF TWENTY-ONE WHO GIVE OR ALLOW POSSESSION, PURCHASE, OR CONSUMPTION OF ALCOHOLIC BEVERAGES TO THE PERSON WHO IS UNDER TWENTY-ONE YEARS OLD AND IN THEIR CARE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-302(c) is amended by adding a new subdivision to read:

"(c) Aider and Abettor.

(1) By Underage Person. – Any person who is under the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall be guilty of a Class 2 misdemeanor.

(2) By Person over Lawful Age. – Any person who is over the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall be guilty of a Class 1 misdemeanor.

(3) By a Parent or Person Who Has Legal or Physical Custody. – Any parent or person who has legal or physical custody of a person less than 21 years of age and who aids or abets the person less than 21 years of age in violation of subsection (a) or (b) of this section shall be guilty of a Class 1 misdemeanor and shall pay a fine of five hundred dollars (\$500.00)."

SECTION 2. G.S. 18B-302(g) reads as rewritten:

"(g) Conviction Report Sent to Division of Motor Vehicles. – The court shall file a conviction report with the Division of Motor Vehicles indicating the name of the person convicted and any other information requested by the Division if the person is convicted of:

- 1 (1) A violation of subsection (e) or (f) of this section; or
2 (2) A violation of ~~subdivision~~subdivisions (c)(1) and (c)(2) of this
3 section; or
4 (3) A violation of subsection (b) of this section, if the violation occurred
5 while the person was purchasing or attempting to purchase an
6 alcoholic beverage.

7 Upon receipt of a conviction report, the Division shall revoke the person's license as
8 required by G.S. 20-17.3."

9 **SECTION 3.** G.S. 20-17.3 reads as rewritten:

10 **"§ 20-17.3. Revocation for underage purchasers of alcohol.**

11 The Division shall revoke for one year the driver's license of any person who has
12 been convicted of violating any of the following:

- 13 (1) G.S. 18B-302(c)(1), (c)(2), (e), or (f); or
14 (2) G.S. 18B-302(b), if the violation occurred while the person was
15 purchasing or attempting to purchase an alcoholic beverage.

16 If the person's license is currently suspended or revoked, then the revocation under
17 this section shall begin at the termination of that revocation."

18 **SECTION 4.** This act becomes effective December 1, 2007, and applies to
19 offenses committed on or after that date.