

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 921

Short Title: Provide Minor Alcohol/Felony if Death Results. (Public)

Sponsors: Representatives D. Hall and Richardson (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

April 22, 2019

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PUNISHMENT FOR CERTAIN ALCOHOLIC BEVERAGE
OFFENSES RELATED TO UNDERAGE PERSONS IF THE COMMISSION OF THE
OFFENSE IS THE PROXIMATE CAUSE OF THE DEATH OF A PERSON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-302.1 reads as rewritten:

"§ 18B-302.1. Penalties for certain offenses related to underage persons.

(a) ~~A~~ Except as otherwise provided in subsection (b1) of this section, a violation of G.S. 18B-302(a) or (a1) is a Class 1 misdemeanor. Notwithstanding the provisions of G.S. 15A-1340.23, if the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least two hundred fifty dollars (\$250.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 25 hours of community service, as authorized by G.S. 15A-1343(b1)(6). If the person has a previous conviction of this offense in the four years immediately preceding the date of the current offense, and the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least five hundred dollars (\$500.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 150 hours of community service, as authorized by G.S. 15A-1343(b1)(6).

(b) ~~A~~ Except as otherwise provided in subsection (b1) of this section, a violation of G.S. 18B-302(c)(2) is a Class 1 misdemeanor. Notwithstanding the provisions of G.S. 15A-1340.23, if the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least five hundred dollars (\$500.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 25 hours of community service, as authorized by G.S. 15A-1343(b1)(6). If the person has a previous conviction of this offense in the four years immediately preceding the date of the current offense, and the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least one thousand dollars (\$1,000) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 150 hours of community service, as authorized by G.S. 15A-1343(b1)(6).

(b1) A violation of G.S. 18B-302(a), (a1), or (c)(2) is a Class I felony if all of the following additional requirements are met:



- 1 (1) For a violation of G.S. 18B-302(a), the person knew or should have known,
2 at the time of the sale, that the person sold the alcoholic beverage was less
3 than 21 years old.
- 4 (2) For a violation of G.S. 18B-302(a1), the person knew or should have known,
5 at the time the alcoholic beverage was given, that the person who was given
6 the alcoholic beverage was less than 21 years old.
- 7 (3) For a violation of G.S. 18B-302(c)(2), the person knew or should have known,
8 at the time the alcoholic beverage was purchased, attempted to be purchased,
9 possessed, consumed, or otherwise provided, that the person who purchased,
10 attempted to purchase, possessed, consumed, or was otherwise provided the
11 alcoholic beverage was less than 21 years old.
- 12 (4) For a violation of G.S. 18B-302(a), (a1), or (c)(2), the commission of the
13 offense is the proximate cause of the death of a person.

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15 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses
16 committed on or after that date.