

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 744
Apr 15, 2019
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10460-SA-4

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

Sponsors: Representative Setzer.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PUNISHMENT FOR CERTAIN ALCOHOLIC BEVERAGE
3 OFFENSES RELATED TO UNDERAGE PERSONS IF THE COMMISSION OF THE
4 OFFENSE IS THE PROXIMATE CAUSE OF THE DEATH OF A PERSON.

5 The General Assembly of North Carolina enacts:

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

7 "§ 18B-302.1. Penalties for certain offenses related to underage persons.

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

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

32 (b1) A violation of G.S. 18B-302(a), (a1), or (c)(2) is a Class I felony if the commission
33 of the offense is the proximate cause of the death of a person and one of the following additional
34 requirements is 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, possessed, consumed, or
9 otherwise provided, that the person who purchased, possessed, consumed, or
10 was otherwise provided the alcoholic beverage was less than 21 years old.

11 "

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