

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 736
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40433-ML-161 (03/22)

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

Sponsors: Representatives Destin Hall, Faircloth, Burr, and Jackson (Primary Sponsors).

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
16 does not include an active punishment, the court must include among the conditions of
17 probation a requirement that the person pay a fine of at least five hundred dollars (\$500.00) as
18 authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 150
19 hours of community 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
28 does not include an active punishment, the court must include among the conditions of
29 probation a requirement that the person pay a fine of at least one thousand dollars (\$1,000) as
30 authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 150
31 hours of community 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.

34"

35 SECTION 2. This act becomes effective December 1, 2017, and applies to
36 offenses committed on or after that date.

