

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 744

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

Sponsors: Representative Setzer.

*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 16, 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 the commission of the offense is the proximate cause of the death of a person and one of the following additional 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.