

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 921  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10548-ML-111B

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

Sponsors: Representatives D. Hall and Richardson (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 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 all of the following  
33 additional requirements are met:

34 (1) For a violation of G.S. 18B-302(a), the person knew or should have known,  
35 at the time of the sale, that the person sold the alcoholic beverage was less  
36 than 21 years old.



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

11       ...."

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