

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 736  
Second Edition Engrossed 4/26/17

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

Sponsors: Representatives Destin Hall, Faircloth, Burr, and Jackson (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary II

April 13, 2017

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 all of the  
33 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  
8                   known, at time the time the alcoholic beverage was purchased, attempted to  
9                   be purchased, possessed, consumed, or otherwise provided, that the person  
10                  who purchased, attempted to purchase, possessed, consumed, or was  
11                  otherwise provided the 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.

14          ...."

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