

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 736

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

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.

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