



HOUSE BILL 736: Provide Minor Alcohol/Felony if Death Results.

2017-2018 General Assembly

Committee:	House Judiciary II	Date:	April 25, 2017
Introduced by:	Reps. Destin Hall, Faircloth, Burr, Jackson	Prepared by:	Susan Sitze
Analysis of:	First Edition		Jessica Sammons Committee Co-Counsel

OVERVIEW: *House Bill 736 would increase the punishment for certain offenses related to providing an underage person access to alcoholic beverages to a Class I felony when the commission of the offense is the proximate cause of the death of a person.*

CURRENT LAW: Under G.S. 18B-302.1, it is a Class 1 misdemeanor:

- To sell or give alcoholic beverages to anyone under the age of 21.
- For a person over the age of 21 to aid and abet another to sell or give alcoholic beverages to a person under the age of 21, or to aid and abet a person under the age of 21 to purchase, possess, or consume alcoholic beverages.

G.S. 18B-302.1 currently provides for specific minimum mandatory punishment for these offenses:

- *Selling or giving alcoholic beverages to a person under the age of 21:*
 - For a first offense, if the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a fine of at least \$250 and at least 25 hours of community service.
 - For an offense occurring within four years of a previous conviction, if the court does not impose an active punishment, the court must include among the conditions of probation a fine of at least \$500 and at least 150 hours of community service.
- *A person of lawful age aiding and abetting in the sale or gift of alcoholic beverages to a person under the age of 21, or in the purchase, possession, or consumption of alcoholic beverages by a person under the age of 21:*
 - For a first offense, if the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a fine of at least \$500 and at least 25 hours of community service.
 - For an offense occurring within four years of a previous conviction, if the court does not impose an active punishment, the court must include among the conditions of probation a fine of at least \$1,000 and at least 150 hours of community service.

BILL ANALYSIS: House Bill 736 would increase the punishment for these offenses to a Class I felony if the commission of the offense is the proximate cause of the death of a person.

EFFECTIVE DATE: This act would become effective December 1, 2017, and would apply to offenses committed on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578