

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

3

SENATE BILL 120

Judiciary I Committee Substitute Adopted 4/28/99

Third Edition Engrossed 4/29/99

Short Title: Up Some Underage Sales Penalties.

(Public)

---

Sponsors:

---

Referred to:

---

February 17, 1999

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE PENALTIES RELATED TO UNDERAGE DRINKING.  
Whereas, underage drinking has always been a matter of grave concern for the General Assembly; and  
Whereas, Parents Who Care About Underage Drinking in Catawba County became involved and concerned about recent incidences of death and hospitalization due to alcohol poisoning of teens in their county; and  
Whereas, studies in North Carolina indicate:  
(1) 40% of North Carolina high school students acknowledge consuming alcohol in the previous 30 days.  
(2) 12% of the State's 11th graders and 18% of the State's 12th graders acknowledge driving a motor vehicle after drinking in the previous 30 days.  
(3) Over 50% of North Carolina high school students who currently drink began drinking by age 13.  
(4) 79% of high school students say that obtaining alcohol by having an adult buy it for them is very easy and 60% say that obtaining alcohol from the homes of other teens or adults is also very easy.

(5) 66% of North Carolina teens believe their peers are getting alcohol from someone over 21 who is buying it for them, and 80% of the time it is an acquaintance rather than a stranger that buys it.

(6) 30% of North Carolina teens say they know a store in their community where someone under 21 can easily buy beer.

(7) 19% of 17 year-olds report they have attended a party where alcohol was supplied by parents.

(8) In 1996, more than 200 North Carolina youth were hospitalized for primary alcohol-related diagnoses; and

Whereas, young people who begin drinking before age 15 are more than twice as likely to develop alcohol abuse as those who begin drinking at age 21; and

Whereas, underage drinking is a matter of statewide concern; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 18B of the General Statutes is amended by adding a new section to read:

**"§ 18B-302A. Penalties for certain offenses related to underage persons.**

(a) A violation of G.S. 18B-302(a) is a Class 1 misdemeanor. Notwithstanding the provisions of G.S. 15-1340.23, 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 violation of G.S. 18B-302(c)(2) is a Class 1 misdemeanor. Notwithstanding the provisions of G.S. 15-1340.23, 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).

(c) In addition to the punishments imposed under this section, the court may impose the provisions of G.S. 18B-202 and of G.S. 18B-503, 18B-504, and 18B-505."

Section 2. G.S. 18B-302(i) is repealed.

1           Section 3. G.S. 15A-146(a) reads as rewritten:  
2           "(a) If any person is charged with a crime, either a misdemeanor or a felony, or is  
3 was charged with an infraction under ~~G.S. 18B-302(i)~~, G.S. 18B-302(i) prior to December  
4 1, 1999, and the charge is dismissed, or a finding of not guilty or not responsible is  
5 entered, that person may apply to the court of the county where the charge was brought  
6 for an order to expunge from all official records any entries relating to his apprehension  
7 or trial. The court shall hold a hearing on the application and, upon finding that the  
8 person had not previously received an expungement and that the person had not  
9 previously been convicted of any felony under the laws of the United States, this State, or  
10 any other state, the court shall order the expunction. No person as to whom such an order  
11 has been entered shall be held thereafter under any provision of any law to be guilty of  
12 perjury, or to be guilty of otherwise giving a false statement or response to any inquiry  
13 made for any purpose, by reason of his failure to recite or acknowledge any expunged  
14 entries concerning apprehension or trial."

15           Section 4. This act becomes effective December 1, 1999, and applies to  
16 offenses committed on or after that date.