**South Carolina General Assembly**

118th Session, 2009-2010

**S. 248**

**STATUS INFORMATION**

General Bill

Sponsors: Senators L. Martin, Shoopman, Fair, Verdin, Thomas, Lourie, Williams and Alexander

Document Path: l:\council\bills\ms\7121ahb09.docx

Companion/Similar bill(s): 3164

Introduced in the Senate on January 13, 2009

Introduced in the House on May 12, 2009

Last Amended on April 30, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Underage drinking

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑195

1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑195

1/23/2009 Senate Referred to Subcommittee: Hutto (ch), Rose, Shoopman

4/22/2009 Senate Committee report: Favorable with amendment **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\04-22-09.docx)‑6

4/23/2009 Scrivener's error corrected

4/29/2009 Senate Amended [SJ](file:///h:\SJ%20Archive\2009\04-29-09.docx)‑38

4/30/2009 Senate Amended [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑34

4/30/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑34

4/30/2009 Senate Unanimous consent for third reading on next legislative day [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑34

5/1/2009 Scrivener's error corrected

5/1/2009 Senate Read third time and sent to House [SJ](file:///h:\SJ%20Archive\2009\05-01-09.docx)‑2

5/12/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\05-12-09.docx)‑10

5/12/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\05-12-09.docx)‑10

**VERSIONS OF THIS BILL**

[1/13/2009](file:///p:\pprever\2009-10\248_20090113.docx)

[4/22/2009](file:///p:\pprever\2009-10\248_20090422.docx)

[4/23/2009](file:///p:\pprever\2009-10\248_20090423.docx)

[4/29/2009](file:///p:\pprever\2009-10\248_20090429.docx)

[4/30/2009](file:///p:\pprever\2009-10\248_20090430.docx)

[5/1/2009](file:///p:\pprever\2009-10\248_20090501.docx)

AMENDED

April 30, 2009

**S. 248**

Introduced by Senators L. Martin, Shoopman, Fair, Verdin, Thomas, Lourie, Williams and Alexander

S. Printed 4/30/09--S. [SEC 5/1/09 9:54 AM]

Read the first time January 13, 2009.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑95 SO AS TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING BEER OR WINE TO A PERSON UNDER THE AGE OF TWENTY‑ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY‑ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61‑6‑4083 SO AS TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING ALCOHOLIC LIQUORS TO A PERSON UNDER THE AGE OF TWENTY‑ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY‑ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑95. (A) A person twenty‑one years of age or older who knowingly and unlawfully sells to, transfers to, distributes to, or purchases beer or wine for consumption by a person under the age of twenty‑one pursuant to the prohibitions provided in Section 61‑4‑50, 61‑4‑80, or 61‑4‑90, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty‑one or another person, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(B) A person under the age of twenty‑one who knowingly and unlawfully sells to, transfers to, distributes to, or purchases beer or wine for consumption by a person under the age of twenty‑one pursuant to the prohibitions provided in Section 61‑4‑50, 61‑4‑80, or 61‑4‑90, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty‑one or another person, is guilty of a:

(1) misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than three years, or both, when great bodily injury results; or

(2) felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both, when death results.

(C) Failure of a person who sells beer or wine to require identification to verify a person’s age is prima facie evidence of a violation of this section.

(D) The provisions of this section do not apply to a person who is permitted to transfer or distribute beer or wine to a person under the age of twenty‑one pursuant to Section 61‑4‑90.”

SECTION 2. Article 13, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑4083. (A) A person twenty‑one years of age or older who knowingly and unlawfully sells to, transfers to, distributes to, or purchases alcoholic liquors for consumption by a person under the age of twenty‑one pursuant to the prohibitions provided in Section 61‑6‑4070, 61‑6‑4075, or 61‑6‑4080, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty‑one or another person, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(B) A person under the age of twenty‑one who knowingly and unlawfully sells to, transfers to, distributes to, or purchases alcoholic liquors for consumption by a person under the age of twenty‑one pursuant to the prohibitions provided in Section 61‑6‑4070, 61‑6‑4075, or 61‑6‑4080, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty‑one or another person, is guilty of a:

(1) misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than three years, or both, when great bodily injury results; or

(2) felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both, when death results.

(C) Failure of a person who sells alcoholic liquors to require identification to verify a person’s age is prima facie evidence of a violation of this section.

(D) The provisions of this section do not apply to a person who is permitted to transfer or distribute alcoholic liqours to a person under the age of twenty‑one pursuant to Section 61‑6‑4070.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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