COMMITTEE AMENDMENT ADOPTED

April 30, 2009

**S. 248**

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

S. Printed 4/30/09--S.

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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