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CHARGING DUI AND RELATED OFFENSES
BEGINNING JANUARY 1, 1982

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Robert L. Farb

When the 1981 General Assembly rewrote the alcohol beverage control laws by enacting Chapter 18B, it defined "alcoholic beverage" in G.S. 18B-101(4) to mean generally the same as "intoxicating liquor" in repealed G.S. 18A-2(4). Thus "alcoholic beverage" means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including beer, unfortified and fortified wine, mixed beverages, and spirituous liquor. The legislation also substituted the words "alcoholic beverages" for "intoxicating liquor" throughout Chapter 20 (motor vehicle law). Therefore, for example, effective January 1, 1982, driving under the influence of intoxicating liquor becomes driving under the influence of alcoholic beverages.

Beginning with offenses committed on or after January 1, 1982, law enforcement officers and magistrates should strike out the words "intoxicating liquor" on the uniform traffic citation and replace them with the words "alcoholic beverages". If this change is not made, a prosecutor may amend the citation under the authority of G.S. 15A-922(f) before or after final judgment, since the amendment does not change the nature of the offense charged.

Chapter 18B also changes the words used in charging the offense of transporting opened liquor in the passenger area of a motor vehicle. G.S. 18B-401(a), effective January 1, 1982, makes it unlawful to transport "fortified wine or spirituous liquor" in the passenger area of a motor vehicle if the cap or seal on the container has been opened or broken. Repealed G.S. 18A-26(a) used the words "alcoholic beverages", which previously meant only fortified wine and spirituous liquor but now under Chapter 18B means all liquor (beer, wine, mixed beverages, spirituous liquor). Thus "fortified wine" or "spirituous liquor" should be used in charging this offense on or after January 1, 1982.