

N.C.P.I.-Crim. 272.26
CONSUMPTION OF ALCOHOL BY A PERSON GREATER THAN 19 YEARS OF
AGE BUT LESS THAN 21 YEARS OF AGE. MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 18B-302(i)

272.26 CONSUMPTION OF ALCOHOL BY A PERSON GREATER THAN 19
YEARS OF AGE BUT LESS THAN 21 YEARS OF AGE.¹ MISDEMEANOR.

The defendant has been charged with consumption of alcohol by a person greater than 19 years of age but less than 21 years of age.

For you to find the defendant guilty of this offense², the State must prove two things beyond a reasonable doubt:

First, that the defendant knowingly consumed (name beverage). (*Name beverage*) is an alcoholic beverage.

And Second, that at the time the defendant consumed the alcoholic beverage, the defendant was greater than 19 years of age but less than 21 years of age.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly consumed an alcoholic beverage and that the defendant was greater than 19 years of age but less than 21 years of age, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

¹ It shall not be unlawful for a person less than 21 years old to consume unfortified wine or fortified wine during participation in an exempted activity under N.C. Gen. Stat. § 18B-103(4), (8), or (11).

² A person under the age of 21 shall not be prosecuted for a violation of N.C. Gen. Stat. § 18B-302 for the possession of alcoholic beverages if law enforcement, including campus safety police, became aware of the possession of alcohol by the person solely because the person was seeking medical assistance for another individual. This limited immunity shall apply if, when seeking medical assistance on behalf of another, the person did all of the following: (1) acted in good faith, upon a reasonable belief that he or she was the first to call for assistance; (2) used his or her own name when contacting authorities; and (3) remained with the individual needing medical assistance until help arrived. N.C. Gen. Stat. § 18B-302.