

**SENATE BILL NO.**

Introduced by

Senator Lindaas

1 A BILL for an Act to amend and reenact sections 5-01-09 and 14-10-06 of the North Dakota  
2 Century Code, relating to contributing alcohol to an individual under twenty one years of age;  
3 and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 5-01-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **5-01-09. Delivery to certain persons unlawful.**

- 8 1. Any individual ~~knowingly delivering alcoholic beverages to~~ who by any act willfully,  
9 as defined in section 12.1-02-02, encourages, causes, or contributes to a violation  
10 of section 5-01-08 by an individual under twenty-one years of age, except as  
11 allowed under section 5-02-06, or knowingly delivers alcoholic beverages to a  
12 habitual drunkard, an incompetent, or an obviously intoxicated individual is guilty of  
13 a class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. An  
14 individual who by any act negligently contributes alcohol is used by an individual  
15 under twenty-one years of age in a violation of section 5-01-08 is guilty of a class B  
16 misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2.
- 17 2. An individual under twenty-one years of age is immune from criminal prosecution  
18 under this section if that individual contacted law enforcement or emergency  
19 medical services and reported that another individual under twenty-one years of  
20 age was in need of medical assistance due to alcohol consumption, provided  
21 assistance to the individual in need of medical assistance until assistance arrived  
22 and remained on the scene and cooperated with medical assistance and law  
23 enforcement personnel on the scene, or was the individual in need of medical

1 assistance. The maximum number of individuals that may be immune for any one  
2 occurrence is five individuals.

3 3. If an individual is convicted of this section for delivering alcoholic beverages to an  
4 individual under twenty-one years of age, the court shall consider the following in  
5 mitigation:

6 a. After consuming the alcohol, the underage individual was in need of medical  
7 assistance as a result of consuming alcohol; and

8 b. Within twelve hours after the underage individual consumed the alcohol, the  
9 defendant contacted law enforcement or emergency medical personnel to  
10 report that the underage individual was in need of medical assistance as a  
11 result of consuming alcohol.

12 **SECTION 2. AMENDMENT.** Section 14-10-06 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **14-10-06. Unlawful to encourage or contribute to the deprivation or delinquency**  
15 **of minor - Penalty.**

16 1. Any individual who by any act willfully, as defined in 12.1-02-02, encourages,  
17 causes, or contributes to the delinquency or deprivation of any minor is guilty of a  
18 class A misdemeanor.

19 2. An individual who by any act negligently contributes alcohol which is related to the  
20 delinquency or deprivation of a minor is guilty of a class B misdemeanor.

21 3. Any individual who by any act willfully encourages, causes, or contributes to the  
22 deprivation of a child less than sixteen years of age by causing that child to engage  
23 in sexual conduct as defined under section 12.1-27.2-01, in any play, motion  
24 picture, photograph, dance, or other visual representation is guilty of a class C  
25 felony.

26 ~~3.~~ 2. If an individual is convicted of this section for encouraging, causing, or contributing  
27 to the consumption or possession of alcoholic beverages by an individual under  
28 twenty-one years of age, the court shall consider the following in mitigation:

29 a. After consuming the alcohol, the underage individual was in need of medical  
30 assistance as a result of consuming alcohol; and

- 1                    b.    Within twelve hours after the underage individual consumed the alcohol, the
- 2                                    defendant contacted law enforcement or emergency medical personnel to
- 3                                    report that the underage individual was in need of medical assistance as a
- 4                                    result of consuming alcohol.