

ABC OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED

(on execution of written waiver of appearance and trial, and plea of guilty/responsible)

(Adopted by the Conference of Chief District Court Judges, October 12, 2022, pursuant to G.S. 7A-148)

Applies To Offenses Committed On Or After December 1, 2022

- 1. Mail Alcoholic Beverages:**
Had alcoholic beverage (mailed) (shipped) from outside this State without having the appropriate ABC permit. [G.S. 18B-109(a)] \$ 35 and Costs
- 2. Consume After Permit Suspension:**
(Consume) (Being a permittee, allow consumption of) (malt beverages) (unfortified wine) on premises of business during a time that the on-premises permit of the business is suspended or revoked. [G.S. 18B-300(a)] \$ 50 and Costs
- 3. Consume On Off-Premises:**
(Consume) (Being a permittee, allow consumption of) (malt beverages) (unfortified wine) on premises having only an off-premises permit, to wit: (give address or identify). [G.S. 18B-300(b)] \$ 35 and Costs
- 4. Consume At ABC Store:**
(Consume) (Offer to another person) (fortified wine) (spirituous liquor) (mixed beverages) on premises of ABC store or on property used or occupied by local ABC board, to wit: (name or give address of store or property). [G.S. 18B-301(f)] \$ 35 and Costs
- 5. Consume On Street Or Sidewalk:**
(Consume) (Offer to another person) (fortified wine) (spirituous liquor) (mixed beverages) on a (public road, street, highway) (sidewalk), to wit: (identify street or sidewalk). [G.S. 18B-301(f)] \$ 25 and Costs
- 6. Public Display At Athletic Contest:**
Display publicly (fortified wine) (spirituous liquor) (mixed beverage) at (name event), an athletic contest. [G.S. 18B-301(f)] \$ 35 and Costs
- 7. Possess/Consume On Unauthorized Premises:**
(Possess) (Consume) (fortified wine) (spirituous liquor) (mixed beverages) upon premises (give address or identify) where such (possession) (consumption) is not authorized by law. [G.S. 18B-301(f)] \$ 25 and Costs
- 8. Possess/Consume After Prohibited:**
(Possess) (Consume) (fortified wine) (spirituous liquor) (mixed beverages) while on premises (give address or identify) where a person has been forbidden to (possess) (consume) beverages by the (owner) (person in charge) of the premises, to wit: (name person). [G.S. 18B-301(f)] \$ 35 and Costs
- 9. Possess Beer/Unfortified Wine By 19- Or 20-Year-Old:**
Possess (malt beverage) (unfortified wine) by a person (19) (20) years old. [G.S. 18B-302(b), (i)] \$ 25 and Costs
- 10. Consume Alcoholic Beverage By 19- Or 20-Year Old:**
Consume any alcoholic beverage by a person (19) (20) years old. [G.S. 18B-302(b), (i)] \$ 25 and Costs
- 11. Possession Of Open Container Of Alcoholic Beverage In Motor Vehicle [G.S. 20-138.7(a1)]** \$ 25 and Costs
- 12. Sell To Intoxicated Person:**
Being (a permittee) (a permittee's employee) (an ABC store employee) (sell) (give) any alcoholic beverage to a person known to him or her to be intoxicated. [G.S. 18B-305(a)] \$100 and Costs
- 13. Transport Open Container Of Fortified Wine/Spirituous Liquor:**
Transport 1 liter or less tax-paid (fortified wine) (spirituous liquor) in passenger area of motor vehicle in other than the manufacturer's unopened original container. [G.S. 18B-401(a)] \$ 35 and Costs
- 14. Beer/Wine Drinking By Driver:**
Consume (malt beverages) (unfortified wine) while driving a motor vehicle on a highway or public vehicular area. [G.S. 18B-401(a)] \$ 35 and Costs

(Over)

15. Violation Of Local Ordinance [G.S. 18B-300(c)]:

- i. Consume (malt beverages) (unfortified wine) on public street or on property owned, occupied, or controlled by the (City of _____) (County of _____) in violation of (give citation and caption of local ordinance that prohibits consumption) \$ 25 and Costs
- ii. Possess open container of (malt beverages) (unfortified wine) on public street or on property owned, occupied, or controlled by the (City of _____) (County of _____) in violation of (give citation and caption of local ordinance that prohibits open containers) \$ 25 and Costs
- iii. Possess (malt beverages) (unfortified wine) on public street, alley, or parking lot temporarily closed by (City of _____) (County of _____) in violation of (give citation and caption of local ordinance that prohibits open possession) \$ 25 and Costs

16. Intentional Or Reckless Littering Under G.S. 14-399(c) \$250 and Costs

17. Unintentional Littering Under G.S. 14-399(c1) \$ 50 and Costs

OTHER POLICIES RELATING TO ABC OFFENSES:

- 1. G.S. 7A-148 provides that the Conference of Chief District Court Judges shall prepare a “uniform schedule” of waivable ABC offenses under G.S. Chapter 18B and shall otherwise promote the “uniform administration of justice.” In accordance with this statutory mandate, all judicial districts must adhere to this schedule, and individual judicial district policies deviating from this schedule are prohibited.
- 2. An offense is not waivable if the defendant has been convicted of any violation of the ABC laws within the previous two years; provided, however, offenses under G.S. 18B-302(i) shall be waivable notwithstanding any violations of the ABC laws within the previous two years.
- 3. When a defendant is charged with multiple offenses arising out of the same event or transaction, only one criminal process or pleading should be used to the greatest extent possible given the limits of the electronic or paper pleadings provided by the North Carolina Administrative Office of the Courts.
- 4. Where more than one charge is made on a criminal process or pleading, the defendant shall be fined only for the offense carrying the highest fine. Only one bill of costs will be assessed.
- 5. When a defendant is charged on the same criminal process or pleading with an offense(s) waivable under this schedule and an offense(s) that is not waivable, the defendant must appear in court to answer the waivable and non-waivable charges.
- 6. This schedule does not apply to littering charges under G.S. 14-399(c) or (c1), if the defendant is charged with a second offense under the subsection.