

DRIVING BY A PERSON LESS THAN 21 YEARS OLD [WHILE] [AFTER]  
CONSUMING ALCOHOL OR DRUGS. MISDEMEANOR. G.S. 20-138.3.

The defendant has been charged with driving by a person less than 21 years old [while] [after]<sup>1</sup> consuming [alcohol] (and) [drugs].

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

First, that on (*name date*) the defendant was less than 21 years old.

Second, that at that time the defendant drove a motor vehicle<sup>2</sup> on a [highway]<sup>3</sup> [public vehicular area]<sup>4</sup> within this State.

And Third, that at the time the defendant was driving that vehicle, he [was consuming alcohol] (or) [had any alcohol remaining in his body]<sup>5</sup> (or)

[had remaining in his blood a previously consumed controlled substance. (*Name substance, e.g. marijuana is a controlled substance*)].<sup>6</sup>

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<sup>1</sup>Note that the statute punishes driving while or after consuming alcohol, or after consuming drugs. G.S. 20-138.3(a).

<sup>2</sup>A "motor vehicle" is defined in G.S. 20-4.01(23).

<sup>3</sup>"Highway" is defined in G.S. 20-4.01(13).

<sup>4</sup>"Public vehicular area" is defined in G.S. 20-4.01(32).

<sup>5</sup>G.S. 20-4.01(1a) defines alcohol.

<sup>6</sup>A person is not in violation of the statute if he drives with a controlled substance in his body which was lawfully obtained and taken in therapeutically appropriate amounts. G.S. 20-138.3(a).

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(Continued.)

If you find from the evidence beyond a reasonable doubt that on (*name date*), the defendant was less than 21 years old, that he drove a motor vehicle on a [highway] [public vehicular area] in this State and that when he did so he [was consuming alcohol] [had alcohol remaining in his body] [had remaining in his blood a previously consumed controlled substance], 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.