

Submitted: August 17, 2001
Reviewed by committee August 21, 2001
Approved

ALCOHOLIC BEVERAGES

DRAFT

RSA 179:5: Prohibited Sales

The defendant is charged with the crime of prohibited sales. The definition of this offense has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant [sold][gave away][caused or allowed or procured to be sold, delivered or given away] any liquor or alcoholic beverage; and
2. The person to whom the defendant [sold][gave away][caused or allowed or procured to be sold, delivered or given away] any liquor or alcoholic beverage was [a person under the age of 21][an intoxicated individual]); and
3. The defendant acted knowingly.

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These are the elements of the crime of prohibited sales. Certain words in the definition need to be defined.

“Intoxicated” means a condition in which the mental or physical functioning of an individual is substantially impaired as a result of the presence of alcohol in the system.¹

“Knowingly” means [see definition of knowingly.]

¹ RSA 172-B:1, X.