

March 21, 2007

S 1290. ALCOHOL MONITORING SYSTEMS FOR DWI OFFENDERS. Filed 3/21/07. *TO PROVIDE FOR THE USE OF ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE.*

Amends GS 20-19(d) and (e) to modify the showing required to obtain a conditional license. Amends GS 20-179 to create a new mitigating sentencing factor relating to sobriety. Also allows a judge to impose any other lawful condition of probation on a Level One or Level Two offender, including continuous alcohol monitoring. Amends GS 15A-1374 to provide that the Commission may require that a parolee remain alcohol free and wear a device that permits the person's compliance with the condition to be monitored electronically. Effective December 1, 2007.

Intro. by Snow.

GS 15A, 20

May 16, 2007

S 1290. ALCOHOL MONITORING SYSTEMS FOR DWI OFFENDERS. Filed 3/21/07. Senate committee substitute makes the following changes to 1st edition. Amends GS 20-19(d) (temporary revocation) and GS 20-19(e) (permanent revocation) to allow the Division of Motor Vehicles (DMV) to conditionally restore a person's license if DMV is provided proof that the individual is not currently an excessive user of alcohol, drugs, or prescription drugs, or unlawfully using any controlled substance (was, is not an excessive user of alcohol or prescription drugs). Amends GS 20-19(d) to delete the proposed provision authorizing DMV to conditionally restore an individual's license after it has been revoked for at least 12 months. Amends GS 20-19(e) to allow DMV to conditionally restore a person's license upon satisfactory proof of listed requirements after the license has been revoked for at least 12 months (was, 18 months). Amends the requirements to be proven before the license can be restored as follows: (1) requires the individual to not have consumed any alcohol for 12 months (was, at least 18 months) and requires the continuous alcohol monitoring device to be of a type approved by the Secretary of the Department of Correction (DOC). Requires the secretary to not unreasonably withhold approval of a continuous alcohol monitoring system and to consult with the Division of Purchase and Contract in the Department of Administration to ensure that there is no discrimination against potential vendors, (2) requires that the individual not currently be an excessive user of drugs or prescription drugs (was, excessive user of prescription drugs), and (3) adds the requirement that the individual not unlawfully use any controlled substance. Modifies proposed GS 20-179(e)(6a) to include in the factors the judge must weigh completion of a substance abuse assessment, compliance with its recommendations, and simultaneously maintaining 60 days of continuous abstinence from alcohol consumption (was, completion of a mandated substance abuse assessment, compliance with its recommendations, and the maintaining of 60 days of continuous sobriety). Makes conforming changes to GS 20-179(e)(6a) and (7). Enacts new GS 20-179(h1) allowing a judge to require as a condition of probation for offenders subject to Level One or Level Two punishments, that the offender not drink alcohol, as verified by a continuous monitoring system, for at least 30 days, up to a maximum of 60 days. The total cost of the monitoring system may not exceed \$1,000. Enacts new GS 15A-1343(b4) prohibiting the court from using a continuous alcohol monitoring system as a condition of probation unless the court waives an offender's payment of costs for the system and the local government responsible for the offender's incarceration agrees to pay the costs associated with the system. Makes conforming changes to GS 15A-1374(b). Deletes proposed amendments to GS 20-179(g) and GS 20-179(h). Requires DOC to establish regulations for continuous alcohol monitoring systems and requires the Secretary of DOC to approve any continuous alcohol monitoring system before it is used by a court as evidence of alcohol abstinence or before ordering the use of the monitoring system as a condition of probation. Requires DOC to issue a request for proposals by January 1, 2008, for the monitoring equipment and services to develop a pilot program. Requires DOC to report by March 1, 2008, to the chairs of several legislative committees on the response to the request for proposals. Requires DOC to report to the Joint Legislative Corrections, Crime Control, and

Juvenile Justice Oversight Committee by March 1, 2008, on listed issues. Makes technical changes. Statutory changes are effective October 1, 2007.

May 17, 2007

S 1290. ALCOHOL MONITORING SYSTEMS FOR DWI OFFENDERS. Filed 3/21/07. Senate amendment makes the following changes to 2nd edition. Allows the Division of Motor Vehicles (DMV) to conditionally restore a person's license after it has been revoked for at least 24 months (was, at least 12 months) if the person provides DMV with satisfactory proof of listed criteria.

June 13, 2007

S 1290. ALCOHOL MONITORING SYSTEM FOR DWI OFFENDERS. Filed 3/21/07. House committee substitute makes the following changes to 3rd edition. Amends GS 20-19(e) to require that a person provide proof that the person has not consumed alcohol for the preceding 12 months before the Division of Motor Vehicles may conditionally restore the person's license. Amends GS 20-179 as follows: (1) replaces the term *offender* with *defendant*; (2) adds a new subsection to provide that if the court finds that the defendant should not be required to pay the costs for the system, the court is prohibited from using a continuous alcohol monitoring system as a condition of probation unless the local government responsible for the offender's incarceration agrees to pay the costs associated with the system (a similar provision is deleted from proposed new GS 15A-1343); and (3) requires that fees or costs paid for the system be paid to the clerk of court for the county in which the judgment was entered and transferred to the entity that provides the system. Amends GS 15A-1374 to require fees or costs paid for the system by parolees be paid to the clerk of court for the county in which the parolee was convicted and transferred to the entity that provides the system. Amends GS 20-19(e), GS 20-179(e) and (h1), and GS 15A-1374(b) to (1) provide that the alcohol monitoring device must be a type approved by the Department of Correction (DOC) (was, by the Secretary of Correction) and (2) delete a redundant provision prohibiting the Secretary of Correction from unreasonably withholding approval of a continuous alcohol monitoring system and requiring consultation with the Division of Purchase and Contract to ensure that potential vendors are not discriminated against. Allows the Secretary of Correction's designee to approve continuous alcohol monitoring systems. Amends the types of procedures that must be addressed in regulations established by the DOC for continuous alcohol monitoring systems and requires all courts to comply with the regulations. Requires DOC to issue Requests for Information for continuous alcohol monitoring equipment and monitoring services to consider the development of pilot programs for the use of alcohol monitoring systems as an intermediate punishment or a condition of probation and sets requirements for the Requests for Information. Previous language required the issuance of a Request for Proposal for continuous alcohol monitoring equipment and monitoring services to develop a pilot program by the Division of Community Corrections' alcohol monitoring programs. Amends the reporting requirement to require DOC to report to several additional legislative committees and changes the reporting date from March 1, 2008, to October 1, 2008. Changes the effective date for Sections 1 through 5 from October 1, 2007, to December 1, 2007. Changes the title. Makes conforming and technical changes.

July 9, 2007

SL 2007-165 (S 1290). ALCOHOL MONITORING SYSTEMS FOR DWI OFFENDERS. AN ACT TO ALLOW EARLIER CONDITIONAL RESTORATION OF A DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO BE USED TO MONITOR INDIVIDUALS WHO HAVE BEEN SENTENCED FOR DWI CONVICTIONS OR AS NECESSARY BY THE COURTS TO ENSURE COMPLIANCE WITH CONDITIONS OF RELEASE, PROBATION, OR PAROLE. Summarized in *Daily Bulletin* 3/21/07, 5/16/07, 5/17/07, and 6/13/07. Enacted July 4, 2007. Sections 1–5 are effective December 1, 2007. The remainder is effective July 4, 2007.