

March 27, 2009

**S 1087. CONTINUOUS ALCOHOL MONITORING SYSTEMS.** Filed 3/26/09. *TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS A CONDITION OF PROBATION, TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS LICENSE, TO MITIGATE PUNISHMENTS FOR IMPAIRED DRIVING OFFENSES, AND TO ENSURE COMPLIANCE WITH CHILD CUSTODY AND VISITATION ORDERS.*

Amends numerous statutes to allow use of alcohol monitoring systems in court proceedings. Amendments include their use: (1) as a condition of pretrial release; (2) as an intermediate punishment under structured sentencing; (3) as a special condition of probation in cases involving alcohol dependency as reflected in an assessment or a record involving two alcohol related convictions; (4) as part of probation officer's delegated authority in intermediate punishment cases; (5) as a method of establishing that a driver seeking to have a driver's license restored is not an excessive user of alcohol, if the person shows 120 days of abstinence using the system; (6) as an alternative to incarceration in certain driving while license revoked convictions if the person is monitored for a minimum 90-day period; (7) as an alternative to mandatory jail sentences for level 1 and 2 DWI offenders (180 days using monitoring system for Level 1 and 90 days for Level 2); (8) as a condition of probation in Level 3-5 DWI offenses; (9) as part of probation supervision in DWI cases if ordered by the probation officer when offender is ordered to abstain from using alcohol and court has not ordered use of system; and (10) as part of custody or visitation order in proceedings under GS Chapter 50. Repeals existing provision that prohibits defendant from paying fees imposed for use of system in lieu of before court costs, fines, cost of appointed counsel, and similar court costs. In DWI cases, if judge finds that defendant should not be required to pay the costs to use the monitoring system, judge may not require the system unless local government entity that would be responsible for incarcerating the defendant agrees to pay the fees. Also makes technical changes. Effective December 1, 2009, and applies to offenses committed or custody orders issued on and after that date.

**Intro. by Snow.**

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