

February 11, 2009

**S 131. PENALTY FOR DWI CONVICTION/BAC .20 OR HIGHER.** Filed 2/11/09. *TO REQUIRE, IN ADDITION TO ANY OTHER PENALTIES IMPOSED BY THE PRESIDING JUDGE, THAT A PERSON CONVICTED OF DRIVING WHILE IMPAIRED BE IMPRISONED FOR A PERIOD OF TWENTY-FOUR HOURS IN A CONFINEMENT FACILITY.*

Amends GS 20-179 (Sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments) to require that a defendant convicted of impaired driving, with evidence showing an alcohol concentration of .20 or higher, be imprisoned for a mandatory period of 24 hours. Provides that the imprisonment period runs consecutively, not concurrently, with any other penalty imposed under this section. Effective December 1, 2009, and applies to offenses committed on or after that date.

**Intro. by Vaughan.**

GS 20

March 30, 2009

**S 131. PENALTY FOR DWI CONVICTION/BAC .20 OR HIGHER.** Filed 2/11/09. Senate committee substitute makes the following changes to 1st edition. Removes the proposed new GS 20-179(f). Instead, amends GS 20-179(i) (level three punishment), GS 20-179(j) (level four punishment), and GS 20-179(k) (level five punishment) to require that if any judge, or a jury in superior court, determines that the defendant has an alcohol concentration of 0.20 or more within a relevant time after driving, any suspended sentence imposed must include a condition of special probation to require the defendant to serve a term of imprisonment of at least 24 hours. Provides that for the purposes of the statute, the results of a chemical analysis presented at trial or sentencing is sufficient to prove the person's alcohol concentration is conclusive, and is not subject to modification by any party, with or without approval of the court. Changes the title to *AN ACT TO REQUIRE THAT A PERSON CONVICTED OF DRIVING WHILE IMPAIRED BE IMPRISONED FOR A PERIOD OF TWENTY-FOUR HOURS IN A CONFINEMENT FACILITY.*