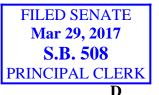
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2017



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SENATE BILL DRS15142-ML-147 (03/16)

Short Title:	Impaired Driving Punishment/Use of CAM.	(Public)
Sponsors:	Senators Lee, Sanderson, and Bishop (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED AN ACT TO EXPAND THE USE OF CONTINUOUS ALCOHOL MONITORING

- AN ACT TO EXPAND THE USE OF CONTINUOUS ALCOHOL MONITORING
 SYSTEMS IN PUNISHMENTS IMPOSED FOR CERTAIN IMPAIRED DRIVING
 CONVICTIONS.
- 5 The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-179 reads as rewritten:

"§ 20-179. Sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments.

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10 Level One Punishment. - A defendant subject to Level One punishment may be (g) 11 fined up to four thousand dollars (\$4,000) and shall be sentenced to a term of imprisonment 12 that includes a minimum term of not less than 30 days and a maximum term of not more than 13 24 months. The term of imprisonment may be suspended only if a condition of special 14 probation is imposed to require the defendant to abstain from alcohol consumption and be 15 monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 60 days, and 16 serve a term of imprisonment of at least 30 days. A judge may reduce the minimum term of 17 18 imprisonment required to a term of not less than 10 days if a condition of special probation is imposed to require that a defendant abstain from alcohol consumption and be monitored by a 19 20 continuous alcohol monitoring system, of a type approved by the Division of Adult Correction 21 of the Department of Public Safety, for a period of not less than 120 days. If the defendant is 22 monitored on an approved continuous alcohol monitoring system during the pretrial period, up 23 to 6090 days of pretrial monitoring may be credited against the 120-day monitoring requirement for probation. If the defendant is placed on probation, the judge shall impose a 24 25 requirement that the defendant obtain a substance abuse assessment and the education or 26 treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of 27 probation. The judge may impose any other lawful condition of probation.

28 Level Two Punishment. - A defendant subject to Level Two punishment may be (h)29 fined up to two thousand dollars (\$2,000) and shall be sentenced to a term of imprisonment that 30 includes a minimum term of not less than seven days and a maximum term of not more than 12 31 months. The term of imprisonment may be suspended only if a condition of special probation is 32 imposed to require the defendant (i) to abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult 33 34 Correction of the Department of Public Safety, for a period of not less than 60 days, and serve a 35 term of imprisonment of at least seven days or (ii) to abstain from consuming alcohol for at least 90 consecutive days, as verified by a continuous alcohol monitoring system, of a type 36



General Assembly Of North Carolina

1 approved by the Division of Adult Correction of the Department of Public Safety. If the 2 defendant is subject to Level Two punishment based on a finding that the grossly aggravating 3 factor in subdivision (1) or (2) of subsection (c) of this section applies, the conviction for a 4 prior offense involving impaired driving occurred within five years before the date of the 5 offense for which the defendant is being sentenced and the judge suspends all active terms of 6 imprisonment and imposes abstention from alcohol as verified by a continuous alcohol 7 monitory system, then the judge must also impose as an additional condition of special 8 probation that the defendant must complete 240 hours of community service. If the defendant is 9 monitored on an approved continuous alcohol monitoring system during the pretrial period, up 10 to 6090 days of pretrial monitoring may be credited against the 90-day monitoring requirement 11 for probation. If the defendant is placed on probation, the judge shall impose a requirement that 12 the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a drivers license and as a condition of probation. The judge 13 14 may impose any other lawful condition of probation.

15 (h1) The judge may impose, as a condition of probation for defendants subject to Level 16 One or Level Two punishments, that the defendant abstain from alcohol consumption for-a 17 minimum of 30 days, to a maximum of the term of probation, as verified by a continuous 18 alcohol monitoring system. The defendant's abstinence from alcohol shall be verified by a 19 continuous alcohol monitoring system of a type approved by the Division of Adult Correction 20 of the Department of Public Safety.

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22 Supervised Probation Terminated. - Unless a judge in his or her discretion (r) 23 determines that supervised probation is necessary, and includes in the record that he or she has 24 received evidence and finds as a fact that supervised probation is necessary, and states in his or 25 her judgment that supervised probation is necessary, a defendant convicted of an offense of 26 impaired driving shall be placed on unsupervised probation if he or she meets three conditions. 27 These conditions are that he or she has not been convicted of an offense of impaired driving 28 within the seven years preceding the date of this offense for which he or she is sentenced, that 29 the defendant is sentenced under subsections (i), (j), and (k) of this section, and has obtained 30 any necessary substance abuse assessment and completed any recommended treatment or 31 training program.program, including any requirement that the defendant abstain from alcohol 32 consumption and be monitored by a continuous alcohol monitoring system approved by the 33 Division of Adult Correction of the Department of Public Safety.

34 When a judge determines in accordance with the above procedures that a defendant should 35 be placed on supervised probation, the judge shall authorize the probation officer to modify the 36 defendant's probation by placing the defendant on unsupervised probation upon the completion 37 by the defendant of any of the following conditions of his or her suspended sentence:

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- (1)Community service; orservice.
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- (3) Payment of any fines, court costs, and fees; orfees.
- Any combination of these conditions. (4)
-" 43 **SECTION 2.** This act becomes effective December 1, 2017, and applies to 44 offenses committed on or after that date.