

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1002

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H1002-ASAXf-47 [v.1]

Page 1 of 2

Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2019

Representative Jackson

1 moves to amend the bill on page 1, line 3 by inserting the following before the period:  
2 "AND TO PROVIDE FOR THE PAYMENT OF AN ADMINISTRATIVE FEE AND COSTS  
3 ASSOCIATED WITH A CONTINUOUS ALCOHOL MONITORING SYSTEM, AND TO  
4 CREATE A CONTINUOUS ALCOHOL MONITORING SYSTEM FUND TO ASSIST  
5 INDIGENT DEFENDANTS";

6  
7 and on page 2, line 29 by rewriting that line to read:

8 "...  
9 (k4) Continuous Alcohol Monitoring During Probation. – Notwithstanding the provisions  
10 of subsections (g), (h), (k2), and (k3) of this section, if the court finds, upon good cause shown,  
11 that the defendant should not be required to pay the costs of the continuous alcohol monitoring  
12 system, the court shall not impose the use of a continuous alcohol monitoring system unless ~~the~~  
13 one of the following conditions is met:

- 14 (1) The local governmental entity responsible for the incarceration of the  
15 defendant in the local confinement facility agrees to pay the costs of the  
16 system.  
17 (2) The court orders the Division of Adult Correction and Juvenile Justice of the  
18 Department of Public Safety to pay the costs of the system pursuant to  
19 G.S. 20-179.5.

20 "...";

21  
22 and on page 2, line 50, by inserting the following after that line:

23 "SECTION 1.5. Article 3 of Chapter 20 of the General Statutes is amended by adding  
24 a new section to read:

25 "**§ 20-179.5. Continuous alcohol monitoring; administrative fee and costs for monitoring;**  
26 **Continuous Alcohol Monitoring Fund.**

27 (a) The costs incurred in order to comply with the continuous alcohol monitoring  
28 requirements imposed by the court pursuant to this Article, including costs for monitoring of the  
29 continuous alcohol monitoring device, shall be paid by the person ordered to be monitored. The  
30 person also shall pay a continuous alcohol monitoring administrative fee in an amount which  
31 shall be determined by the Division of Adult Correction and Juvenile Justice of the Department  
32 of Public Safety and which shall be not less than twenty dollars (\$20.00) nor more than thirty



\* H 1 0 0 2 - A S A X F R - 4 7 - V - 1 \*

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1002

**ADOPTED**

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

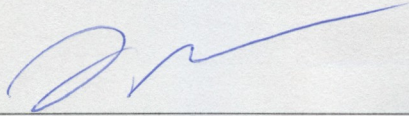
H1002-ASAxfr-47 [v.1]

Page 2 of 2

1 dollars (\$30.00). The administrative fee shall be collected at the time the person receives the  
2 monitoring equipment from the vendor providing the continuous alcohol monitoring. Costs for  
3 continuous alcohol monitoring shall be collected under terms agreed upon by the vendor and the  
4 person required to be monitored.

5 (b) The vendor shall remit fees collected pursuant to subsection (a) of this section to the  
6 Division of Adult Correction and Juvenile Justice of the Department of Public Safety on a  
7 quarterly basis. Fifty percent (50%) of the fees collected shall be used to pay costs incurred by  
8 the Division of Adult Correction and Juvenile Justice of the Department of Public Safety in  
9 ensuring compliance with the continuous alcohol monitoring requirements imposed by the court;  
10 the remaining fifty percent (50%) of the fees shall be deposited in the Continuous Alcohol  
11 Monitoring Fund.

12 (c) There is created in the Department of Public Safety the Continuous Alcohol  
13 Monitoring Fund to be used for the purpose of providing access to continuous alcohol monitoring  
14 as a sentencing option to persons deemed by the court to be indigent. If the court determines that  
15 continuous alcohol monitoring should be ordered and the convicted person is unable to pay for  
16 the continuous alcohol monitoring, the court may order that the Division of Adult Correction and  
17 Juvenile Justice of the Department of Public Safety pay the cost of the continuous alcohol  
18 monitoring for the period of time required by the court."

SIGNED   
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
House Principal Clerk's Office**