

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 26
Jan 28, 2021
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40015-ML-20

Short Title: Revise Use of Alcohol Concentration Result. (Public)

Sponsors: Representative Clampitt.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE THE NUMBER OF UNNECESSARY MOTIONS IN DISTRICT
3 COURT BY ALLOWING THE JUDGE TO KNOW AND USE THE ALCOHOL
4 CONCENTRATION RESULT OF AN ALCOHOL SCREENING TEST TO PROVE
5 PROBABLE CAUSE FOR THE ARREST.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-16.3(d) reads as rewritten:

8 "(d) Use of Screening Test Results or Refusal by Officer. – The fact that a driver showed
9 a positive or negative alcohol concentration result on of an alcohol screening test, but not the
10 actual alcohol concentration result, test or a driver's refusal to submit submit, may be used by a
11 law-enforcement officer, is admissible in a court, or may also be used by an administrative
12 agency in determining if there is probable cause or are reasonable grounds for believing believing
13 both of the following:

14 (1) That the driver has committed an implied-consent offense under G.S. 20-16.2;
15 and G.S. 20-16.2.

16 (2) That the driver had consumed alcohol and that the driver had in his or her body
17 previously consumed alcohol, but not to prove a particular alcohol
18 concentration. Negative or low results on the alcohol screening test may be
19 used in factually appropriate cases by the officer, a court, or an administrative
20 agency in determining whether a person's alleged impairment is caused by an
21 impairing substance other than alcohol."

22 **SECTION 2.** This act becomes effective October 1, 2021, and applies to offenses
23 committed on or after that date.

