

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

D

HOUSE BILL 789
PROPOSED COMMITTEE SUBSTITUTE H789-PCS40552-SA-20

Short Title: Mitigating Factor/Pretrial Use of IID.

(Public)

Sponsors:

Referred to:

April 8, 2025

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH A MITIGATING FACTOR FOR CERTAIN PERSONS CHARGED
WITH IMPAIRED DRIVING WHO VOLUNTARILY EQUIP AND OPERATE A MOTOR
VEHICLE WITH AN IGNITION INTERLOCK SYSTEM PRIOR TO TRIAL.

The General Assembly of North Carolina enacts:

SECTION 1. The purpose of this act is to do all of the following:

- (1) Incentivize certain persons accused of impaired driving to install an ignition interlock system prior to the individual's trial to serve as a potential mitigating factor at sentencing.
- (2) Encourage responsible behavior and compliance with ignition interlock system requirements.
- (3) Reduce instances of repeat impaired driving offenses by introducing early intervention measures.

SECTION 2. G.S. 20-179(e) reads as rewritten:

"(e) Mitigating Factors to Be Weighed. – The judge shall also determine before sentencing under subsection (f) of this section whether any of the mitigating factors listed below apply to the defendant. The judge shall weigh the degree of mitigation of each factor in light of the particular circumstances of the case. The factors are:

...

(6a) Completion of a substance abuse assessment, compliance with its recommendations, and simultaneously maintaining 60 days of continuous abstinence from alcohol consumption, as proven by a continuous alcohol monitoring system. The continuous alcohol monitoring system shall be of a type approved by the Division of Community Supervision and Reentry of the Department of Adult Correction.

(6b) Prior to trial, the defendant voluntarily equipped a designated motor vehicle with a functioning ignition interlock system of a type approved by the Commissioner, operated only the designated vehicle with the ignition interlock system for a minimum of six months, and produced evidence satisfactory to the judge that the defendant did not start the vehicle with an alcohol concentration greater than 0.02 or commit any other acts that would be considered violations of the interlock policies established by the Division for use of an ignition interlock system or a violation of G.S. 20-17.8A. The factor set forth in this subdivision only applies to a defendant who meets all of the following requirements:

a. The defendant was charged with an offense under G.S. 20-138.1.



* H 7 8 9 - P C S 4 0 5 5 2 - S A - 2 0 *

- b. The vehicle being operated by the defendant was not involved at the time of the offense in a crash resulting in the serious injury or death of a person.
- c. At the time of the offense, the defendant held either a valid driver's license or a license that had been expired for less than one year.
- d. At the time of the offense, the defendant did not have an additional unresolved pending charge involving impaired driving, or an additional conviction of an offense involving impaired driving within the five years preceding the date of the offense.
- e. At the time of the offense the person did not have an alcohol concentration of 0.15 or more.
- f. The defendant equipped the designated motor vehicle with an ignition interlock system no later than 45 days after being charged with the offense.
- g. The defendant only operated the designated motor vehicle with a limited driving privilege that is valid in this State or during a time when the defendant's driver's license was not revoked or suspended.

(7) Any other factor that mitigates the seriousness of the offense.

Except for the factors in subdivisions (4), (6), (6a), (6b), and (7) of this subsection, the conduct constituting the mitigating factor shall occur during the same transaction or occurrence as the impaired driving offense."

SECTION 3. G.S. 20-179.5 reads as rewritten:

"§ 20-179.5. Affordability of ignition interlock system.

(a) Payment of Costs. – The costs incurred in order to comply with the ignition interlock requirements imposed by the court or the Division pursuant to this Chapter, including costs for installation and monitoring of the ignition interlock system, shall be paid by the person ordered to install the system. The costs incurred from voluntarily installing an ignition interlock system, including costs for monitoring the ignition interlock system, shall be paid by the person voluntarily installing the system. Costs for installation and monitoring of the ignition interlock system shall be collected under terms agreed upon by the ignition interlock system vendor and the person required to ~~install~~ install, or voluntarily installing, the ignition interlock system.

(b) Waiver. – A person who is ordered by a court, or required by statute, to install an ignition interlock system in order to lawfully operate a motor vehicle, but who is unable to afford the cost of an ignition interlock system, may apply to an authorized vendor for a waiver of a portion of the costs of an ignition interlock system. Additionally, a person meeting the requirements set forth in sub-subdivisions a. through f. of subdivision (6b) of subsection (e) of G.S. 20-179 who is unable to afford the cost of an ignition interlock system may apply to an authorized vendor for a waiver of a portion of the costs of an ignition interlock system.

...."

SECTION 4. This act becomes effective December 1, 2025, and applies to offenses committed on or after that date.