

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 299
Judiciary Committee Substitute Adopted 4/4/17
House Committee Substitute Favorable 6/27/17
Fourth Edition Engrossed 6/14/18

Short Title: Expand Use of CAM Systems & Create CAM Fund.

(Public)

Sponsors:

Referred to:

March 16, 2017

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS
IN PUNISHMENTS IMPOSED FOR CERTAIN IMPAIRED DRIVING CONVICTIONS.

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.**

...

(g) Level One Punishment. – A defendant subject to Level One punishment may be fined up to four thousand dollars (\$4,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than 30 days and a maximum term of not more than 24 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least 30 days. A judge may reduce the minimum term of 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 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 120 days. If a judge orders the term of imprisonment ordered as a condition of special probation to be served as an inpatient pursuant to subsection (k1) of this section, the judge shall impose an additional condition of special probation to require that the defendant abstain from alcohol consumption and be 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. If the defendant is monitored on an approved continuous alcohol monitoring system during the pretrial period, up to ~~60-120~~ days of pretrial monitoring may be credited against ~~the 120-day~~ any monitoring requirement for probation. If the defendant is placed on probation, the judge shall impose a requirement that the defendant obtain a substance abuse assessment and the education or treatment required by G.S. 20-17.6 for the restoration of a driver's license and as a condition of probation. The judge may impose any other lawful condition of probation.

(h) Level Two Punishment. – A defendant subject to Level Two punishment may be fined up to two thousand dollars (\$2,000) and shall be sentenced to a term of imprisonment that includes a minimum term of not less than seven days and a maximum term of not more than 12 months. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least ~~seven~~ 14 days or to



1 abstain from consuming alcohol for at least 90 consecutive days, as verified by a continuous
2 alcohol monitoring system, of a type approved by the Division of Adult Correction of the
3 Department of Public Safety. If a judge orders the term of imprisonment ordered as a condition
4 of special probation to be served as an inpatient pursuant to subsection (k1) of this section, the
5 judge shall impose an additional condition of special probation to require that the defendant
6 abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system,
7 of a type approved by the Division of Adult Correction of the Department of Public Safety, for a
8 period of not less than 30 days. If the defendant is subject to Level Two punishment based on a
9 finding that the grossly aggravating factor in subdivision (1) or (2) of subsection (c) of this section
10 applies, the conviction for a prior offense involving impaired driving occurred within five years
11 before the date of the offense for which the defendant is being sentenced and the judge suspends
12 all active terms of imprisonment and imposes abstention from alcohol as verified by a continuous
13 alcohol ~~monitoring~~ monitoring system, then the judge must also impose as an additional condition
14 of special probation that the defendant must complete 240 hours of community service. If the
15 defendant is monitored on an approved continuous alcohol monitoring system during the pretrial
16 period, up to ~~60-90~~ 90 days of pretrial monitoring may be credited against ~~the 90-day~~ any monitoring
17 requirement for probation. If the defendant is placed on probation, the judge shall impose a
18 requirement that the defendant obtain a substance abuse assessment and the education or
19 treatment required by G.S. 20-17.6 for the restoration of a driver's license and as a condition of
20 probation. The judge may impose any other lawful condition of probation.

21 (h1) The judge may impose, as a condition of probation for defendants subject to Level
22 One or Level Two punishments, that the defendant abstain from alcohol consumption for a
23 ~~minimum of 30 days, to a maximum of~~ the term of probation, as verified by a continuous alcohol
24 monitoring system. The defendant's abstinence from alcohol shall be verified by a continuous
25 alcohol monitoring system of a type approved by the Division of Adult Correction of the
26 Department of Public Safety.

27 ...

28 (k4) Notwithstanding the provisions of subsections (g), (h), (k2), and (k3) of this section,
29 if the court finds, upon good cause shown, that the defendant should not be required to pay the
30 costs of the continuous alcohol monitoring system, the court shall not impose the use of a
31 continuous alcohol monitoring system unless the one of the following conditions is met:

32 (1) The local governmental entity responsible for the incarceration of the
33 defendant in the local confinement facility agrees to pay the costs of the
34 system.

35 (2) The court orders the Division of Adult Correction of the Department of Public
36 Safety pay the costs of the system pursuant to G.S. 20-179.5.

37 ...

38 (r) Supervised Probation Terminated. – Unless a judge in his or her discretion determines
39 that supervised probation is necessary, and includes in the record that he or she has received
40 evidence and finds as a fact that supervised probation is necessary, and states in his or her
41 judgment that supervised probation is necessary, a defendant convicted of an offense of impaired
42 driving shall be placed on unsupervised probation if he or she meets three conditions. These
43 conditions are that he or she has not been convicted of an offense of impaired driving within the
44 seven years preceding the date of this offense for which he or she is sentenced, that the defendant
45 is sentenced under subsections (i), (j), and (k) of this section, and has obtained any necessary
46 substance abuse assessment and completed any recommended treatment or training
47 ~~program-program,~~ including any recommendation that the defendant abstain from alcohol
48 consumption and be monitored by a continuous alcohol monitoring system approved by the
49 Division of Adult Correction of the Department of Public Safety.

50 When a judge determines in accordance with the above procedures that a defendant should
51 be placed on supervised probation, the judge shall authorize the probation officer to modify the

1 defendant's probation by placing the defendant on unsupervised probation upon the completion
2 by the defendant of any of the following conditions of his or her suspended sentence:

3 (1) Community ~~service~~; or service.

4 ...

5 (3) Payment of any fines, court costs, and ~~fees~~; or fees.

6 (4) Any combination of these conditions.

7"

8 **SECTION 3.** This act becomes effective December 1, 2018, and applies to offenses
9 committed on or after that date.