

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 308  
Judiciary Committee Substitute Adopted 4/4/17

Short Title: Amend Various DWI Statutes.

(Public)

Sponsors:

Referred to:

March 20, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE STATUTE OF LIMITATIONS FOR MISDEMEANORS  
3 IS SATISFIED IF CHARGED WITHIN TWO YEARS OF THE OFFENSE AND TO  
4 PROVIDE THAT THE RESULTS OF HGN TESTS SHALL BE ADMISSIBLE WHEN  
5 GIVEN BY A PERSON WHO HAS SUCCESSFULLY COMPLETED HGN TRAINING  
6 AND THE TEST IS ADMINISTERED IN ACCORDANCE WITH THE PERSON'S  
7 TRAINING.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 15-1 reads as rewritten:

10 "**§ 15-1. Statute of limitations for misdemeanors.**

11 The crimes of deceit and malicious mischief, and the crime of petit larceny where the value  
12 of the property does not exceed five dollars (\$5.00), and all misdemeanors except malicious  
13 misdemeanors, shall be ~~presented or found by the grand jury charged~~ within two years after the  
14 commission of the same, and not afterwards: Provided, that if any ~~indictment found within that~~  
15 ~~time-pleading~~ shall be defective, so that no judgment can be given thereon, another prosecution  
16 may be instituted for the same offense, within one year after the first shall have been  
17 abandoned by the State."

18 **SECTION 2.** G.S. 8C-1, Rule 702(a1), reads as rewritten:

19 "**Rule 702. Testimony by experts.**

20 ...

21 (a1) ~~A witness, qualified under subsection (a) of this section and with proper foundation,~~  
22 Notwithstanding any other provision of law, a witness may give expert testimony solely on the  
23 issue of impairment and not on the issue of specific alcohol concentration level relating to the  
24 following:

- 25 (1) The results of a Horizontal Gaze Nystagmus (HGN) Test when the test is  
26 administered in accordance with the person's training by a person who has  
27 successfully completed training in HGN.
- 28 (2) Whether a person was under the influence of one or more impairing  
29 substances, and the category of such impairing substance or ~~substances. A~~  
30 ~~witness who has received training and substances by a person who~~ holds a  
31 current certification as a Drug Recognition Expert, issued by the State  
32 Department of Health and Human Services, ~~shall be qualified to give the~~  
33 ~~testimony under this subdivision.~~ Services."

34 **SECTION 3.** Section 1 of this act becomes effective December 1, 2017, and  
35 applies to offenses committed on or after that date. The remainder of the act is effective when it  
36 becomes law.

