

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1002
Committee Substitute Favorable 5/3/19

Short Title: Expand Use of CAM Systems.

(Public)

Sponsors:

Referred to:

April 29, 2019

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 and Juvenile Justice of the Department of Public Safety, for a period of not less than 120 days.~~ days or to abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction and Juvenile Justice 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 and Juvenile Justice 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



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

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

29 ...

30 (r) Supervised Probation Terminated. – Unless a judge in the judge's discretion
31 determines that supervised probation is necessary, and includes in the record that the judge has
32 received evidence and finds as a fact that supervised probation is necessary, and states in the
33 judgment that supervised probation is necessary, a defendant convicted of an offense of impaired
34 driving shall be placed on unsupervised probation if the defendant meets three conditions. These
35 conditions are that the defendant (i) has not been convicted of an offense of impaired driving
36 within the seven years preceding the date of this offense for which the defendant is sentenced,
37 (ii) is being sentenced under subsections (i), (j), and (k) of this section, and (iii) has obtained any
38 necessary substance abuse assessment and completed any recommended treatment or training
39 ~~program-program, including any recommendation that the defendant abstain from alcohol~~
40 consumption and be monitored by a continuous alcohol monitoring system approved by the
41 Division of Adult Correction and Juvenile Justice of the Department of Public Safety.

42 When a judge determines in accordance with the above procedures that a defendant should
43 be placed on supervised probation, the judge shall authorize the probation officer to modify the
44 defendant's probation by placing the defendant on unsupervised probation upon the completion
45 by the defendant of any of the following conditions of the suspended sentence:

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

47 ...

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

49 (4) Any combination of these conditions.

50"

1 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses
2 committed on or after that date.