

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 81

Second Edition Engrossed 4/5/95

Senate Judiciary I/Constitution Committee Substitute Adopted 6/20/95

Short Title: Mandatory Jail for Some D.W.I.

(Public)

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Sponsors:

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Referred to: Appropriations.

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February 1, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE MANDATORY ACTIVE JAIL SENTENCES FOR PERSONS  
2 CONVICTED ON DRIVING WHILE IMPAIRED WITH BLOOD ALCOHOL  
3 LEVELS OF MORE THAN FIFTEEN HUNDREDTHS PERCENT.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-179 is amended by adding a new subsection to read:

7 "(u) Notwithstanding any other provision of law and in addition to any other  
8 incarceration ordered under this section, a person convicted of impaired driving with an  
9 alcohol concentration of more than 0.15 at any relevant time after driving shall serve an  
10 active jail term based on that alcohol concentration at any relevant time after driving.

11 A person convicted of driving while impaired with an alcohol concentration of 0.16 at  
12 any relevant time after driving shall be sentenced to two days in jail. For each alcohol  
13 concentration of 0.01 in the person's blood above the alcohol concentration of 0.16 at any  
14 relevant time after driving, that person shall serve two additional days in jail.

15 The mandatory days in jail required by this subsection may be suspended only if a  
16 condition of special probation is imposed to require the defendant to serve a term of  
17 imprisonment equal to the mandatory days in jail required by this subsection.

1        For any defendant who is punished at Level Three, Level Four, or Level Five, the  
2 sentencing judge may order the person to perform 24 hours of community service in lieu  
3 of each day in jail mandated by this subsection.

4        The days to be served in jail mandated by this subsection shall be served in a county  
5 jail unless the defendant is sentenced to serve an active sentence in prison and then the  
6 days mandated by this subsection may be served concurrently with that active sentence."

7            Sec. 2. G.S. 15A-534.2 is amended by adding a new subsection to read:

8        "(e) A defendant charged with an impaired driving offense under G.S. 20-138.1,  
9 20-138.2, or 20-138.3 with evidence of an alcohol concentration in excess of 0.15 shall  
10 post a secured appearance bond in accordance with G.S. 15A-534, in an amount not less  
11 than five hundred dollars (\$500.00)."

12            Sec. 3. This act becomes effective January 1, 1996, and applies to offenses  
13 committed on or after that date.