

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 738

Short Title: DWI Sentencing Enforcement.

(Public)

Sponsors: Senator Rand.

Referred to: Judiciary I.

March 22, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO STRICTLY ENFORCE THE SENTENCING LAWS FOR DRIVING
3 WHILE IMPAIRED OFFENSES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 20-179(p) reads as rewritten:

6 "(p) Limit on Amelioration of Punishment. – For active terms of imprisonment
7 imposed under this section:

8 (1) The judge may not give credit to the defendant for the first 24 hours of
9 time spent in incarceration pending trial.

10 (2) The defendant shall serve the ~~mandatory minimum~~full period of
11 imprisonment imposed by the judge and good or gain time credit may
12 not be used to reduce that ~~mandatory minimum~~ period.

13 (3) The defendant may not be released on ~~parole unless he is otherwise~~
14 ~~eligible, has served the mandatory minimum period of imprisonment,~~
15 ~~and has obtained a substance abuse assessment and completed any~~
16 ~~recommended treatment or training program or is paroled into a~~
17 ~~residential treatment program.~~parole.

18 With respect to the minimum or specific term of imprisonment imposed as a condition
19 of special probation under this section, the judge may not give credit to the defendant
20 for the first 24 hours of time spent in incarceration pending trial."

21 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
22 offenses committed on or after that date.