

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 754

Short Title: Mandatory Jail for Some DWI.

(Public)

Sponsors: Representatives R. Hunter; Bowman and Cummings.

Referred to: Judiciary II.

April 6, 1993

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE MANDATORY ACTIVE JAIL SENTENCES FOR
2 PERSONS CONVICTED OF DRIVING WHILE IMPAIRED WITH BLOOD
3 ALCOHOL 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, a person convicted of impaired
8 driving with more than fifteen hundredths percent (0.15%) alcohol concentration in his
9 blood at any relevant time after driving shall serve an active jail term based on that
10 alcohol concentration in his blood at any relevant time after driving. A person
11 convicted of driving while impaired with an alcohol concentration of sixteen hundredths
12 percent (0.16%) at any relevant time after driving shall be sentenced to at least two days
13 in jail. For each one hundredth percent (0.01%) alcohol in the person's blood above
14 sixteen hundredths percent (0.16%) at any relevant time after driving, that person shall
15 serve a minimum of two additional days in jail.

16 The sentencing judge may not suspend the mandatory days in jail required by this
17 subsection or place the person on probation for the mandatory days in jail required by
18 this subsection.

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

22 The days served pursuant to this subsection may be credited against any other
23 incarceration ordered under this section only if the person receives a term longer than
24 the minimum term of incarceration authorized by the other subsection under which the

1 person is sentenced. If the person receives the minimum term of incarceration
2 authorized by the other subsection, then the days served pursuant to this subsection shall
3 be in addition to any other incarceration ordered under this section."

4 Sec. 2. This act becomes effective October 1, 1993.