



## SENATE BILL 299: Habitual Impaired Driving/10-Year Period.

2017-2018 General Assembly

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<b>Committee:</b>	House Judiciary II	<b>Date:</b>	June 20, 2017
<b>Introduced by:</b>	Sens. J. Jackson, Newton, Britt	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	Second Edition		Committee Counsel

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**OVERVIEW:** *Senate Bill 299 would amend the habitual impaired driving law to exclude any period of confinement for an offense involving impaired driving when determining whether a defendant has had three or more convictions within 10 years.*

**CURRENT LAW:** G.S. 20-138.5 provides that a person is guilty of habitual impaired driving on their fourth or subsequent offense of impaired driving if they have three or more prior convictions of impaired driving within 10 years of the new offense. Habitual impaired driving is punishable as a Class F felony and requires a minimum 12 month active sentence.

**BILL ANALYSIS:** **Senate Bill 299** would toll, or extend, the 10 year look-back period used to determine if a defendant has committed the fourth or subsequent offense of habitual impaired driving. Tolling in this context would stop the 10 year clock from running during any period that the defendant is incarcerated for an offense involving impaired driving. The clock would resume when the defendant is released.

**EFFECTIVE DATE:** This act would become effective December 1, 2017, and apply to any offense committed on or after that date.

*Jennifer Bedford, Staff Attorney, contributed substantially to this summary.*

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