



SENATE BILL 299: Expand Use of CAM Systems & Create CAM Fund.

2017-2018 General Assembly

Committee:

Introduced by: Sens. J. Jackson, Newton, Britt

Analysis of: Fourth Edition

Date:

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Prepared by:

Susan Sitze
Staff Attorney

OVERVIEW: *Senate Bill 299 would expand the use of continuous alcohol monitoring in Level One and Level Two impaired driving punishments.*

CURRENT LAW: G.S. 20-179 provides for varying levels of punishment for offenses involving impaired driving based in part on the existence of grossly aggravating, aggravating, and mitigating factors. Grossly aggravating factors include: (1) a prior DWI conviction, (2) driving while license revoked for a DWI, (3) serious injury resulting from the DWI, and (4) the presence of a minor, or physically or mentally disabled adult in the vehicle.

Level One Punishment is required when the defendant has 2 grossly aggravating factors and includes a fine of up to \$4,000 and required imprisonment of 30 days to 24 months, which may be suspended if the court imposes either of the following as a condition of special probation:

- A term of imprisonment of at least 30 days.
- A term of imprisonment of at least 10 days and a requirement that the defendant submit to continuous alcohol monitoring for at least 120 days. Up to 60 days of pretrial continuous alcohol monitoring may be counted towards the 120 days.

Level Two Punishment is required when the defendant has 1 grossly aggravating factor and includes a fine of up to \$2,000 and required imprisonment of 7 days to 12 months, which may be suspended if the court imposes either of the following as a condition of special probation:

- A term of imprisonment of at least 7 days.
- Continuous alcohol monitoring for at least 90 days. If the defendant has a prior DWI within 5 years, the court must also require 240 hours community service. Up to 60 days of pretrial continuous alcohol monitoring may be counted towards the 90 days.

G.S. 20-179(k1) authorizes the court to require that any imprisonment required as a condition of special probation be served in an inpatient substance abuse facility.

BILL ANALYSIS:

Section 1 of the bill would amend Level One and Level Two punishments under G.S. 20-179.

➤ Level One Punishment would be amended as follows:

- Require 60 days of continuous alcohol monitoring if a court requires that a term of imprisonment be served in an inpatient treatment facility.

Karen Cochrane-Brown
Director



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Division
919-733-2578

Senate Bill 299

Page 2

- Allow 120 days of pretrial continuous alcohol monitoring to be credited against any continuous alcohol monitoring requirement for probation.
- Level Two Punishment would be amended as follows:
 - Increase the required 7 days of imprisonment to 14 days of imprisonment.
 - Require 30 days of continuous alcohol monitoring if a court requires that a term of imprisonment be served in an inpatient treatment facility.
 - Allow 90 days of pretrial continuous alcohol monitoring to be credited against any continuous alcohol monitoring requirement for probation.

Section 1 of the PCS would also require a defendant on supervised probation to comply with any recommendation for continuous alcohol monitoring that is made based on a substance abuse assessment before supervised probation can be terminated.

EFFECTIVE DATE: This act would become effective December 1, 2018, and apply to offenses committed on or after that date.