

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1506

Short Title: DWI House Arrest.

(Public)

Sponsors: Senators Parnell; Ballance, Barker, Basnight, Block, Conder, Daniel, Ezzell, Goldston, Guy, Hunt of Durham, Kaplan, Marvin, Odom, Plyler, Rauch, Raynor, Richardson, Sands, Sherron, Soles, Speed, Swain, Tally, Walker, and Ward.

Referred to: Judiciary I.

June 4, 1990

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW JUDGES TO USE HOUSE ARREST AS A CONDITION OF
2 SPECIAL PROBATION IN CERTAIN DWI CASES.
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4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-179(g) reads as rewritten:

6 "(g) Level One Punishment. – A defendant subject to Level One punishment may
7 be fined up to two thousand dollars (\$2,000) and must be sentenced to a term of
8 imprisonment that includes a minimum term of not less than 14 days and a maximum
9 term of not more than 24 months. The term of imprisonment may be suspended only if a
10 condition of special probation is imposed to require the defendant to serve a term of
11 imprisonment of at least 14 days or to require the defendant to be placed under house
12 arrest for at least 30 days. If the defendant is placed on probation, the judge must, if
13 required by subsection (m), impose the conditions relating to assessment, treatment, and
14 education described in that subsection. The judge may impose any other lawful
15 condition of probation. If the judge does not place on probation a defendant who is
16 otherwise subject to the mandatory assessment and treatment provisions of subsection
17 (m), he must include in the record of the case his reasons for not doing so."

18 Sec. 2. G.S. 20-179(h) reads as rewritten:

19 "(h) Level Two Punishment. – A defendant subject to Level Two punishment may
20 be fined up to one thousand dollars (\$1,000) and must be sentenced to a term of
21 imprisonment that includes a minimum term of not less than seven days and a maximum
22 term of not more than 12 months. The term of imprisonment may be suspended only if a

1 condition of special probation is imposed to require the defendant to serve a term of
2 imprisonment of at least seven days or to require the defendant to be placed under house
3 arrest for at least 15 days. If the defendant is placed on probation, the judge must, if
4 required by subsection (m), impose the conditions relating to assessment, treatment, and
5 education described in that subsection. The judge may impose any other lawful
6 condition of probation. If the judge does not place on probation a defendant who is
7 otherwise subject to the mandatory assessment and treatment provisions of subsection
8 (m), he must include in the record of the case his reasons for not doing so."

9 Sec. 3. This act shall become effective October 1, 1990, and applies to
10 convictions occurring on or after that date.