

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1506
Second Edition Engrossed 6/26/90
House Committee Substitute Favorable 7/10/90

Short Title: DWI House Arrest.

(Public)

Sponsors:

Referred to:

June 4, 1990

A BILL TO BE ENTITLED

AN ACT TO ALLOW JUDGES TO USE HOUSE ARREST AS A CONDITION OF SPECIAL PROBATION IN CERTAIN DWI CASES, AND TO PROVIDE THAT CERTAIN MISDEMEANANTS MAY BE PAROLED AND PLACED UNDER HOUSE ARREST.

The General Assembly of North Carolina enacts:

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

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

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

1 "(h) Level Two Punishment. – A defendant subject to Level Two punishment may
2 be fined up to one thousand dollars (\$1,000) and must be sentenced to a term of
3 imprisonment that includes a minimum term of not less than seven days and a maximum
4 term of not more than 12 months. The term of imprisonment may be suspended only if a
5 condition of special probation is imposed (i) to require the defendant to serve a term of
6 imprisonment of at least seven days or, (ii) to require the defendant to serve a term of
7 imprisonment of at least two days and then be placed under house arrest for twice the
8 length of time remaining in the term. If the defendant is placed on probation, the judge
9 must, if required by subsection (m), impose the conditions relating to assessment,
10 treatment, and education described in that subsection. The judge may impose any other
11 lawful condition of probation. If the judge does not place on probation a defendant who
12 is otherwise subject to the mandatory assessment and treatment provisions of subsection
13 (m), he must include in the record of the case his reasons for not doing so."

14 Sec. 3. G.S. 15A-1372(d) reads as rewritten:

15 "(d) Parole and Terminate. – The Parole Commission is authorized simultaneously
16 to parole and terminate supervision of a prisoner when such prisoner has less than 180
17 days remaining on his maximum sentence, and when the Commission finds that such
18 action will not be incompatible with the public interest. When the Parole Commission
19 finds that such action will not be incompatible with the public interest, the Commission
20 is also ~~authorized simultaneously to parole and terminate supervision of a prisoner when such~~
21 ~~prisoner is imprisoned only for a misdemeanor, except those persons convicted under G.S. 20-~~
22 ~~138.1 of driving while impaired or any offense involving impaired driving.~~ authorized:

23 (1) Simultaneously to parole and terminate supervision of a prisoner; or

24 (2) To parole a prisoner on the condition that he be placed under house
25 arrest;

26 when the prisoner is imprisoned only for a misdemeanor, except those persons
27 convicted under G.S. 20-138.1 of driving while impaired or any offense involving
28 impaired driving."

29 Sec. 4. Sections 1 and 2 of this act shall become effective October 1, 1990,
30 and shall apply to convictions occurring on or after that date. The remainder of this act
31 is effective upon ratification.