

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

H

1

HOUSE BILL 214

Short Title: DWI-2nd Offenders.

(Public)

Sponsors: Representatives Bowman; Mosley and Bowie.

Referred to: Judiciary II.

February 14, 1994

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT PERSONS CONVICTED OF SECOND OR
2 SUBSEQUENT OFFENSES OF DRIVING WHILE IMPAIRED SHALL
3 RECEIVE TREATMENT AND THAT THEY SHALL PAY THE COSTS OF
4 CONFINEMENT, TREATMENT, AND PROBATION.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-179 is amended by adding a new subsection to read:

8 "(k2) Treatment Required in Certain Cases.– If the grossly aggravating factor in
9 subdivision (c)(1) applies to a defendant being sentenced under this section, he shall be
10 ordered to participate in a treatment program as provided in subsection (m) of this
11 section without first requiring any assessment or the payment of any assessment fees."

12 Sec. 2. G.S. 20-179 is amended by adding a new subsection to read:

13 "(o1) If the grossly aggravating factor in subdivision (c)(1) applies to a defendant
14 who is placed on supervised probation, the court shall order the defendant to pay
15 restitution to the State for the costs of his incarceration, treatment, and supervision
16 while on probation, as the case may be. When this condition of probation is imposed,
17 the court shall take into consideration the resources of the defendant, including all real
18 and personal property owned by the defendant and the income derived from such
19 property, his ability to earn, his obligation to support dependents, and such other matters
20 as shall pertain to his ability to pay this restitution. The court is not required to make
21 findings of fact or conclusions of law on these matters when the sentence is imposed.
22 The restitution amount must be limited to that supported by the record, and the court
23 may order partial restitution when it appears that this amount is greater than that which
24 the defendant is able to pay."

1 Sec. 3. This act becomes effective January 1, 1995.