

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 81

Short Title: Mandatory Jail for Some D.W.I.

(Public)

Sponsors: Representatives R. Hunter; Warner, Buchanan, Hill, Rayfield, and Wainwright.

Referred to: Judiciary II.

February 1, 1995

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE MANDATORY ACTIVE JAIL SENTENCES FOR PERSONS
2 CONVICTED OF DRIVING WHILE IMPAIRED WITH BLOOD ALCOHOL
3 LEVELS OF MORE THAN FIFTEEN HUNDREDTHS PERCENT.
4

5 The General Assembly of North Carolina enacts:

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

7 "(u) Notwithstanding any other provision of law, a person convicted of impaired
8 driving with an alcohol concentration of more than 0.15 at any relevant time after driving
9 shall serve an active jail term based on that alcohol concentration at any relevant time
10 after driving.

11 A person convicted of driving while impaired with an alcohol concentration of 0.16 at
12 any relevant time after driving shall be sentenced to at least two days in jail. For each
13 alcohol concentration of 0.01 in the person's blood above the alcohol concentration of
14 0.16 at any relevant time after driving, that person shall serve a minimum of two
15 additional days in jail.

16 The mandatory days in jail required by this subsection may be suspended only if a
17 condition of special probation is imposed to require the defendant to serve a term of
18 imprisonment equal to the mandatory days in jail required by this subsection.

1 For any defendant who is punished at Level Three, Level Four, or Level Five, the
2 sentencing judge may order the person to perform 24 hours of community service in lieu
3 of each day in jail mandated by this subsection.

4 The days to be served in jail mandated by this subsection shall be served in a county
5 jail unless the defendant is sentenced to serve an active sentence in prison and then the
6 days mandated by this subsection may be served concurrently with that active sentence."

7 Sec. 2. This act becomes effective July 1, 1995.