

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 352
SENATE BILL 700

AN ACT TO PERMIT THE DEPARTMENT OF HUMAN RESOURCES TO ENTER
INTO INTERSTATE RECIPROCAL AGREEMENTS FOR THE TRANSFER OF
DRIVING UNDER THE INFLUENCE OFFENDERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-179.2 is amended by adding a new subsection to read:

"(d1) The Department of Human Resources may approve programs offered in another state if they are substantially similar to programs approved in this State, and if that state recognizes North Carolina programs for similar purposes. The defendant shall be responsible for the fees at the approved program."

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

"(m) Assessment and Treatment Required in Certain Cases. If a defendant being sentenced under this section is placed on probation, he must be required as a condition of that probation to obtain a substance abuse assessment if:

- (1) He had an alcohol concentration of 0.20 or more as indicated by a chemical analysis taken when he was charged; or
- (2) He has a prior conviction for an offense involving impaired driving within the five years preceding the date of the offense for which he is being sentenced and, when he was charged with the current offense, he either:
 - a. Had an alcohol concentration of 0.10 or more; or
 - b. Willfully refused to submit to a chemical analysis.

The judge must require the defendant to obtain the assessment from an area mental health agency, its designated agent, or a private facility licensed by the State for the treatment of alcoholism and substance abuse. In addition, he must require the defendant to participate in a treatment program if recommended by the assessing agency, and he must require the defendant to execute a Release of Information authorizing the treatment agency to report his progress to the court or the Division of Adult Probation and Parole. The judge may order the defendant to participate in an appropriate treatment program at the time he is ordered to obtain an assessment, or he may order him to reappear in court when the assessment is completed to determine if a condition of probation requiring participation in treatment should be imposed. The judge must require the defendant to pay twenty-five dollars (\$25.00) for the services of the assessment facility and the treatment fees that may be charged by the treatment facility. If the defendant is treated by an area mental health facility, G.S. 122-35.47 applies. Any determinations with regard to the defendant's ability to pay the assessment fee must

be made by the judge. In those cases in which no substance abuse handicap is identified, that finding must be forwarded in writing to the court. When treatment is required, the treatment agency's progress reports must be filed with the court or the Division of Adult Probation and Parole at intervals of no greater than six months until the termination of probation or the treatment agency determines and reports that no further treatment is appropriate.

The Department of Human Resources may approve programs offered in another state if they are substantially similar to programs approved in this State, and if that state recognizes North Carolina programs for similar purposes. The defendant shall be responsible for the fees at the approved program."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of June, 1987.