

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1013

Short Title: DWI Sentence Amendments.

(Public)

Sponsors: Representatives Decker; Brown, Cromer, Esposito, Justus, Lilley, Privette, and P. Wilson.

Referred to: Judiciary.

April 4, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT PERSONS CONVICTED OF DRIVING WHILE IMPAIRED SERVE SENTENCES IN JAIL AND TO REQUIRE THAT THOSE SENTENCES BEGIN IMMEDIATELY AFTER CONVICTION.

The General Assembly of North Carolina enacts:

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

"(i) Level Three Punishment. – A defendant subject to Level Three punishment may be fined up to five hundred dollars (\$500.00) and must be sentenced to a term of imprisonment that includes a minimum term of not less than 72 hours and a maximum term of not more than six months. The term of imprisonment must be suspended, on the condition that the defendant:

- (1) Be imprisoned for a term of at least 72 hours as a condition of special probation; ~~or~~ and
- (2) Perform community service for a term of at least 72 hours; or
- (3) Not operate a motor vehicle for a term of at least 90 days; or
- (4) Any permitted combination of these conditions.

The judge in his discretion may impose any other lawful condition of probation and, if required by subsections (l) or (m), must impose the conditions relating to treatment and education described in those subsections. This subsection does not affect the right of a defendant to elect to serve the suspended sentence of imprisonment as provided in G.S. 15A-1341(c)."

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

1       "(j) Level Four Punishment. – A defendant subject to Level Four punishment may  
2 be fined up to two hundred fifty dollars (\$250.00) and must be sentenced to a term of  
3 imprisonment that includes a minimum term of not less than 48 hours and a maximum  
4 term of not more than 120 days. The term of imprisonment must be suspended, on the  
5 condition that the defendant:

- 6           (1) Be imprisoned for a term of 48 hours as a condition of special  
7           probation; ~~or~~ and
- 8           (2) Perform community service for a term of 48 hours; or
- 9           (3) Not operate a motor vehicle for a term of 60 days; or
- 10          (4) Any permitted combination of these conditions.

11       The judge in his discretion may impose any other lawful condition of probation and,  
12 if required by subsections (l) or (m), must impose the conditions relating to  
13 treatment and education described in those subsections. This subsection does not affect  
14 the right of a defendant to elect to serve the suspended sentence of imprisonment as  
15 provided in G.S. 15A-1341(c)."

16       Sec. 3. G.S. 20-179(k) reads as rewritten:

17       "(k) Level Five Punishment. – A defendant subject to Level Five punishment may  
18 be fined up to one hundred dollars (\$100.00) and must be sentenced to a term of  
19 imprisonment that includes a minimum term of not less than 24 hours and a maximum  
20 term of not more than 60 days. The term of imprisonment must be suspended, on the  
21 condition that the defendant:

- 22           (1) Be imprisoned for a term of 24 hours as a condition of special  
23           probation; ~~or~~ and
- 24           (2) Perform community service for a term of 24 hours; or
- 25           (3) Not operate a motor vehicle for a term of 30 days; or
- 26           (4) Any permitted combination of these conditions.

27       The judge may in his discretion impose any other lawful condition of probation and,  
28 if required by subsections (l) or (m), must impose the conditions relating to  
29 treatment and education described in those subsections. This subsection does not affect  
30 the right of a defendant to elect to serve the suspended sentence of imprisonment as  
31 provided in G.S. 15A-1341(c)."

32       Sec. 4. G.S. 20-179 is amended by adding a new subsection to read:

33       "(k2) When a defendant is required to be sentenced to a term of imprisonment,  
34 either because of a mandatory minimum term requirement or as a condition of special  
35 probation, the sentencing judge shall commit the defendant to the custody of the sheriff  
36 immediately after the sentencing hearing and the defendant shall start serving the term  
37 without further delay."

38       Sec. 5. This act is effective upon ratification.