

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 1031
SENATE BILL 1506

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 consecutive days and then be placed under house arrest for twice the length of time remaining in the minimum term prescribed in (i) above. 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:

"(h) Level Two Punishment. – A defendant subject to Level Two punishment may be fined up to one thousand dollars (\$1,000) and must be sentenced to a term of imprisonment that includes a minimum term of not less than seven days and a maximum term of not more than 12 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 seven days or, (ii) to require the defendant to serve a term of imprisonment of at least two consecutive days and then be placed under house arrest for twice the length of time remaining in the minimum term prescribed in (i) above. 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. 3. G.S. 15A-1372(d) reads as rewritten:

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

- (1) Simultaneously to parole and terminate supervision of a prisoner; or
- (2) To parole a prisoner on the condition that he be placed under house arrest;

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

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

In the General Assembly read three times and ratified this the 27th day of July, 1990.