

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 12

Short Title: Habitual DWI/Active Time.

(Public)

Sponsors: Senators Phillips; Albertson, Cochrane, Cooper, Dalton, Foxx, Gulley, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Lee, Martin of Guilford, Odom, Perdue, Rand, Reeves, Shaw of Cumberland, Warren, and Winner.

Referred to: Judiciary.

February 3, 1997

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY
ADVISORY COMMISSION'S RECOMMENDATION TO REQUIRE ACTIVE
TIME FOR HABITUAL IMPAIRED DRIVING CONVICTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-138.5(b) reads as rewritten:

"(b) A person convicted of violating this section shall be punished as a Class G felon. Notwithstanding the dispositions authorized in G.S. 15A-1340.17 for Class G felonies, the court shall impose an active term of imprisonment. The term of imprisonment shall be consistent with the durations specified for that class of offense and prior record level. Sentences imposed under this subsection shall run consecutively with and shall commence at the expiration of any sentence being served."

Section 2. This act becomes effective December 1, 1997, and applies to offenses committed on or after that date.