

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 2010

Short Title: DWI-2nd Offenders.

(Public)

---

Sponsors: Representatives Bowman; and Culp.

---

Referred to: Judiciary III.

---

June 6, 1994

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT PERSONS CONVICTED OF SECOND OR  
2 SUBSEQUENT OFFENSES OF DRIVING WHILE IMPAIRED SHALL  
3 RECEIVE TREATMENT.  
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 "(k2) Treatment Required in Certain Cases. – If the grossly aggravating factor in  
8 subdivision (c)(1) applies to a defendant being sentenced under this section, he shall be  
9 ordered to participate in a treatment program as provided in subsection (m) of this  
10 section without first requiring any assessment or the payment of any assessment fees."

11 Sec. 2. G.S. 20-179 is amended by adding a new subsection to read:

12 "(o1) If the grossly aggravating factor in subdivision (c)(1) applies to a defendant  
13 who is placed on supervised probation, the court shall order the defendant to pay  
14 restitution to the State for the costs of his incarceration, treatment, and supervision  
15 while on probation, as the case may be. When this condition of probation is imposed,  
16 the court shall take into consideration the resources of the defendant, including all real  
17 and personal property owned by the defendant and the income derived from such  
18 property, his ability to earn, his obligation to support dependents, and such other matters  
19 as shall pertain to his ability to pay this restitution. The court is not required to make  
20 findings of fact or conclusions of law on these matters when the sentence is imposed.  
21 The restitution amount must be limited to that supported by the record, and the court  
22 may order partial restitution when it appears that this amount is greater than that which  
23 the defendant is able to pay."

1           Sec. 3. There is appropriated from the General Fund to the Administrative  
2 Office of the Courts the sum of twenty thousand dollars (\$20,000) for the 1994-95 fiscal  
3 year to fund the changes mandated by Sections 1 and 2 of this act.

4           Sec. 4. Sections 1 and 2 of this act become effective January 1, 1995. The  
5 remaining sections of this act become effective July 1, 1994.