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# ADMINISTRATION OF JUSTICE

## MEMORANDA

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### DRIVING UNDER THE INFLUENCE PENALTY CHANGES

by

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Chapter 1222 of the 1977 Session Laws (2nd session, 1978), which rewrites the section prescribing penalties for driving under the influence of drugs or intoxicating liquor [G.S. 20-179(a)], becomes effective March 1, 1979. The new statute, as it appears in the 1978 Interim Supplement to the General Statutes, is reproduced below for your information. Subsection (b) of G.S. 20-179 is not affected by the change.

#### § 20-179

"(a) Every person who is convicted of violating G.S. 20-138, 20-139(a), or 20-139(b) shall be punished as follows:

- (1) For a conviction of a first offense, a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court;
- (2) For a conviction of a second offense, imprisonment for not less than three days nor more than one year and a fine not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00);
- (3) For a conviction of a third or subsequent offense, imprisonment for not less than three days nor more than two years and a fine of not less than five hundred dollars (\$500.00).

The first three days of imprisonment pursuant to subdivisions (2) and (3) above shall not be subject to suspension or parole; provided that in lieu of such imprisonment pursuant to subdivision (2) above the court may allow the defendant to participate in a program for alcohol or drug rehabilitation approved for this purpose by the Department of Human Resources; and upon defendant's successful completion of such program the court may suspend all or any part of the term of imprisonment. Convictions for offenses occurring prior to July 1, 1978, or more than three years prior to the current offense shall not be considered prior offenses for the purpose of subdivisions (2) and (3) above."