

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 209
House Committee Substitute Favorable 5/23/96

Short Title: Modify Active Sentence.

(Public)

Sponsors:

Referred to:

February 15, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY MISDEMEANOR STRUCTURED SENTENCING STATUTES
3 TO PERMIT AN ACTIVE SENTENCE EQUAL TO OR LESS THAN TIME
4 SERVED AND TO MAKE CHANGES CONCERNING THE OFFENSE OF
5 DRIVING WHILE LICENSE REVOKED.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 15A-1340.20 is amended by adding a new subsection to read:

8 "(c1) Active Punishment Exception. – The court may impose an active punishment
9 for a class of offense and prior conviction level that does not otherwise authorize the
10 imposition of an active punishment if the term of imprisonment is equal to or less than
11 the total amount of time the offender has already spent committed to or in confinement in
12 any State or local correctional, mental, or other institution as a result of the charge that
13 culminated in the sentence."

14 Sec. 2. G.S. 20-28 is amended by adding a new subsection to read:

15 "(a2) Driving While License Revoked for Failure to Appear or Pay Fine, Penalty, or
16 Costs. – If a person's license is revoked solely pursuant to G.S. 20-24.1 and that person is
17 convicted of the offense of driving while license revoked, the court may, upon proof of

1 satisfaction of the conditions in G.S. 20-24.1(b) for the original offense, order that the
2 Division not revoke the license or that the Division restore the license."

3 Sec. 3. G.S. 20-28.1 is amended by adding a new subsection to read:

4 "(e) If a person's license is revoked solely pursuant to G.S. 20-24.1 and that person
5 is convicted of the offense of driving while license revoked, the court may, upon proof of
6 satisfaction of the conditions in G.S. 20-24.1(b) for the original offense, order that the
7 Division not revoke the license for an additional period under this section or that the
8 Division restore the license."

9 Sec. 4. This act becomes effective December 1, 1996.