

Punishment for Covered Offenses Committed on or after October 1, 2013

Punishment Level/ Controlling Statute	Factors	Imprisonment and Mandatory Probation Conditions	Fine
Aggravated Level One/ G.S. 20-179(f3)	Three or more grossly aggravating factors	<ul style="list-style-type: none"> • 12 months minimum to 36 months maximum • If suspended <ul style="list-style-type: none"> ◦ Imprisonment of at least 120 days as a condition of special probation ◦ Requirement that defendant abstain from alcohol consumption for a minimum of 120 days to a maximum of the term of probation, as verified by continuous alcohol monitoring (CAM) system ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$10,000
Level One/ G.S. 20-179(g)	Grossly aggravating factor in G.S. 20-179(c)(4) or two other grossly aggravating factors	<ul style="list-style-type: none"> • 30 days minimum to 24 months maximum • If suspended <ul style="list-style-type: none"> ◦ Special probation requiring (1) imprisonment of at least 30 days or (2) imprisonment of at least 10 days and alcohol abstinence and CAM for at least 120 days ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$4,000
Level Two/ G.S. 20-179(h)	One grossly aggravating factor, other than the grossly aggravating factor in G.S. 20-179(c)(4)	<ul style="list-style-type: none"> • 7 days minimum to 12 months maximum • If suspended <ul style="list-style-type: none"> ◦ Special probation requiring (1) imprisonment of at least 7 days or (2) alcohol abstinence and CAM for at least 90 days <ul style="list-style-type: none"> - If Level Two based on prior conviction or DWLR for an impaired driving revocation and prior conviction occurred within five years, sentence must require 240 hours of community service if no imprisonment imposed ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$2,000
Level Three/ G.S. 20-179(i)	Aggravating factors substantially outweigh any mitigating factors	<ul style="list-style-type: none"> • 72 hours minimum to 6 months maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for at least 72 hours as a condition of special probation - Community service for a term of at least 72 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$1,000
Level Four/ G.S. 20-179(j)	No aggravating and mitigating factors or aggravating factors are substantially counterbalanced by mitigating factors	<ul style="list-style-type: none"> • 48 hours minimum to 120 days maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for 48 hours as a condition of special probation - Community service for a term of 48 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$500
Level Five/ G.S. 20-179(k)	Mitigating factors substantially outweigh aggravating factors	<ul style="list-style-type: none"> • 24 hours minimum to 60 days maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for 24 hours as a condition of special probation - Community service for a term of 24 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$200

Punishment for Covered Offenses Committed on or after December 1, 2012, and before October 1, 2013

Punishment Level/ Controlling Statute	Factors	Imprisonment and Mandatory Probation Conditions	Fine
Aggravated Level One/ G.S. 20-179(f3)	Three or more grossly aggravating factors	<ul style="list-style-type: none"> • 12 months minimum to 36 months maximum • If suspended <ul style="list-style-type: none"> ◦ Imprisonment of at least 120 days as a condition of special probation ◦ Requirement that defendant abstain from alcohol consumption for a minimum of 120 days to a maximum of the term of probation, as verified by continuous alcohol monitoring (CAM) system ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$10,000
Level One/ G.S. 20-179(g)	Grossly aggravating factor in G.S. 20-179(c)(4) or two other grossly aggravating factors	<ul style="list-style-type: none"> • 30 days minimum to 24 months maximum • If suspended <ul style="list-style-type: none"> ◦ Special probation requiring (1) imprisonment of at least 30 days or (2) imprisonment of at least 10 days and alcohol abstinence and CAM for at least 120 days ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$4,000
Level Two/ G.S. 20-179(h)	One grossly aggravating factor, other than the grossly aggravating factor in G.S. 20-179(c)(4)	<ul style="list-style-type: none"> • 7 days minimum to 12 months maximum • If suspended <ul style="list-style-type: none"> ◦ Special probation requiring (1) imprisonment of at least 7 days or (2) alcohol abstinence and CAM for at least 90 days ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$2,000
Level Three/ G.S. 20-179(i)	Aggravating factors substantially outweigh any mitigating factors	<ul style="list-style-type: none"> • 72 hours minimum to 6 months maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for at least 72 hours as a condition of special probation - Community service for a term of at least 72 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$1,000
Level Four/ G.S. 20-179(j)	No aggravating and mitigating factors or aggravating factors are substantially counterbalanced by mitigating factors	<ul style="list-style-type: none"> • 48 hours minimum to 120 days maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for 48 hours as a condition of special probation - Community service for a term of 48 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$500
Level Five/ G.S. 20-179(k)	Mitigating factors substantially outweigh aggravating factors	<ul style="list-style-type: none"> • 24 hours minimum to 60 days maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for 24 hours as a condition of special probation - Community service for a term of 24 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$200

Punishment for Covered Offenses Committed on or after December 1, 2011, and before December 1, 2012

Punishment Level/ Controlling Statute	Factors	Imprisonment and Mandatory Probation Conditions	Fine
Aggravated Level One/ G.S. 20-179(f3)	Three or more grossly aggravating factors	<ul style="list-style-type: none"> • 12 months minimum to 36 months maximum • If suspended <ul style="list-style-type: none"> ◦ Imprisonment of at least 120 days as a condition of special probation ◦ Requirement that defendant abstain from alcohol consumption for a minimum of 120 days to a maximum of the term of probation as verified by continuous alcohol monitoring (CAM) system ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$10,000
Level One/ G.S. 20-179(g)	Grossly aggravating factor in G.S. 20-179(c)(4) or two other grossly aggravating factors	<ul style="list-style-type: none"> • 30 days minimum to 24 months maximum • If suspended <ul style="list-style-type: none"> ◦ Imprisonment of at least 30 days as a condition of special probation ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$4,000
Level Two/ G.S. 20-179(h)	One grossly aggravating factor, other than the grossly aggravating factor in G.S. 20-179(c)(4)	<ul style="list-style-type: none"> • 7 days minimum to 12 months maximum • If suspended <ul style="list-style-type: none"> ◦ Imprisonment of at least 7 days as a condition of special probation ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$2,000
Level Three/ G.S. 20-179(i)	Aggravating factors substantially outweigh any mitigating factors	<ul style="list-style-type: none"> • 72 hours minimum to 6 months maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for at least 72 hours as a condition of special probation - Community service for a term of at least 72 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$1,000
Level Four/ G.S. 20-179(j)	No aggravating and mitigating factors or aggravating factors are substantially counterbalanced by mitigating factors	<ul style="list-style-type: none"> • 48 hours minimum to 120 days maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for 48 hours as a condition of special probation - Community service for a term of 48 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$500
Level Five/ G.S. 20-179(k)	Mitigating factors substantially outweigh aggravating factors	<ul style="list-style-type: none"> • 24 hours minimum to 60 days maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for 24 hours as a condition of special probation - Community service for a term of 24 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$200

Punishment for Covered Offenses Committed on or after December 1, 2007, and before December 1, 2011

Punishment Level/ Controlling Statute	Factors	Imprisonment and Mandatory Probation Conditions	Fine
Level One/ G.S. 20-179(g)	Two or more grossly aggravating factors	<ul style="list-style-type: none"> • 30 days minimum to 24 months maximum • If suspended <ul style="list-style-type: none"> ◦ Imprisonment of at least 30 days as a condition of special probation ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 ◦ Defendant may be required to abstain from alcohol for a minimum of 30 days up to a maximum of 60 days, as verified by a continuous alcohol monitoring (CAM) system <ul style="list-style-type: none"> - Total cost of CAM may not exceed \$1,000 	Up to \$4,000
Level Two/ G.S. 20-179(h)	One grossly aggravating factor	<ul style="list-style-type: none"> • 7 days minimum to 12 months maximum • If suspended <ul style="list-style-type: none"> ◦ Imprisonment of at least 7 days as a condition of special probation ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 ◦ Defendant may be required to abstain from alcohol for a minimum of 30 days up to a maximum of 60 days, as verified by a CAM system <ul style="list-style-type: none"> - Total cost of CAM may not exceed \$1,000 	Up to \$2,000
Level Three/ G.S. 20-179(i)	Aggravating factors substantially outweigh any mitigating factors	<ul style="list-style-type: none"> • 72 hours minimum to 6 months maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for at least 72 hours as a condition of special probation - Community service for a term of at least 72 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$1,000
Level Four/ G.S. 20-179(j)	No aggravating and mitigating factors or aggravating factors are substantially counterbalanced by mitigating factors	<ul style="list-style-type: none"> • 48 hours minimum to 120 days maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for 48 hours as a condition of special probation - Community service for a term of 48 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$500
Level Five/ G.S. 20-179(k)	Mitigating factors substantially outweigh aggravating factors	<ul style="list-style-type: none"> • 24 hours minimum to 60 days maximum • If suspended <ul style="list-style-type: none"> ◦ Must require one or both of the following <ul style="list-style-type: none"> - Imprisonment for 24 hours as a condition of special probation - Community service for a term of 24 hours ◦ Requirement that defendant obtain a substance abuse assessment and education or treatment required by G.S. 20-17.6 	Up to \$200