

Punishment for Covered DWI 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) <i>Three or more grossly aggravating factors</i>	• 12 months minimum to 36 months maximum • If suspended – 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) <i>Grossly aggravating factor in G.S. 20-179(c)(4) or two other grossly aggravating factors</i>	• 30 days minimum to 24 months maximum • If suspended – 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) <i>One grossly aggravating factor, other than the grossly aggravating factor in G.S. 20-179(c)(4)</i>	• 7 days minimum to 12 months maximum • If suspended – 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) <i>Aggravating factors substantially outweigh any mitigating factors</i>	• 72 hours minimum to 6 months maximum • If suspended – Must require one or both of the following ◦ 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) <i>No aggravating and mitigating factors or aggravating factors are substantially counterbalanced by mitigating factors</i>	• 48 hours minimum to 120 days maximum • If suspended – Must require one or both of the following ◦ 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) <i>Mitigating factors substantially outweigh aggravating factors</i>	• 24 hours minimum to 60 days maximum • If suspended – Must require one or both of the following ◦ 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 DWI 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) <i>Three or more grossly aggravating factors</i>	• 12 months minimum to 36 months maximum • If suspended – 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) <i>Grossly aggravating factor in G.S. 20-179(c)(4) or two other grossly aggravating factors</i>	• 30 days minimum to 24 months maximum • If suspended – 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) <i>One grossly aggravating factor, other than the grossly aggravating factor in G.S. 20-179(c)(4)</i>	• 7 days minimum to 12 months maximum • If suspended – 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) <i>Aggravating factors substantially outweigh any mitigating factors</i>	• 72 hours minimum to 6 months maximum • If suspended – Must require one or both of the following ◦ 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) <i>No aggravating and mitigating factors or aggravating factors are substantially counterbalanced by mitigating factors</i>	• 48 hours minimum to 120 days maximum • If suspended – Must require one or both of the following ◦ 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) <i>Mitigating factors substantially outweigh aggravating factors</i>	• 24 hours minimum to 60 days maximum • If suspended – Must require one or both of the following ◦ 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 DWI 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) <i>Two or more grossly aggravating factors</i>	• 30 days minimum to 24 months maximum • If suspended – 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 ◦ Total cost of CAM may not exceed \$1,000	Up to \$4,000
Level Two G.S. 20-179(h) <i>One grossly aggravating factor</i>	• 7 days minimum to 12 months maximum • If suspended – 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 ◦ Total cost of CAM may not exceed \$1,000	Up to \$2,000
Level Three G.S. 20-179(i) <i>Aggravating factors substantially outweigh any mitigating factors</i>	• 72 hours minimum to 6 months maximum • If suspended – Must require one or both of the following ◦ 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) <i>No aggravating and mitigating factors or aggravating factors are substantially counterbalanced by mitigating factors</i>	• 48 hours minimum to 120 days maximum • If suspended – Must require one or both of the following ◦ 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) <i>Mitigating factors substantially outweigh aggravating factors</i>	• 24 hours minimum to 60 days maximum • If suspended – Must require one or both of the following ◦ 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