

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 85

Short Title: Revise Use of Alcohol Concentration Result. (Public)

Sponsors: Representatives Clampitt and Loftis (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Regulatory Reform, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

February 13, 2023

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE NUMBER OF UNNECESSARY MOTIONS IN DISTRICT COURT BY ALLOWING THE JUDGE TO KNOW AND USE THE ALCOHOL CONCENTRATION RESULT OF AN ALCOHOL SCREENING TEST TO PROVE PROBABLE CAUSE FOR THE ARREST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-16.3(d) reads as rewritten:

"(d) Use of Screening Test Results or Refusal by Officer. – ~~The fact that a driver showed a positive or negative alcohol concentration result on~~ of an alcohol screening test, ~~but not the actual alcohol concentration result, test~~ or a driver's refusal to submit may be used by a law-enforcement officer, is admissible in a court, or may also be used by an administrative agency in determining if there is probable cause or are reasonable grounds for ~~believing~~ believing both of the following:

- (1) That the driver has committed an implied-consent offense under ~~G.S. 20-16.2;~~ and G.S. 20-16.2.
- (2) That the driver had consumed alcohol and that the driver had in his or her body previously consumed alcohol, but not to prove a particular alcohol concentration. Negative or low results on the alcohol screening test may be used in factually appropriate cases by the officer, a court, or an administrative agency in determining whether a person's alleged impairment is caused by an impairing substance other than alcohol."

SECTION 2. This act becomes effective October 1, 2023, and applies to offenses committed on or after that date.



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