

## Safer Roads Through Stiffer Penalties for DWI

### Cracking Down on Drunk Drivers

Every 48 minutes a repeat drunk driver is responsible for someone's death on America's roadways. Of the 365 alcohol-impaired fatalities in North Carolina in 2010 (latest available NHSTA data), 254 involved repeat offenders with BACs of 0.15 or above. With more than 54,000 DWI arrests in 2011, more stringent laws now empower the state to impose greater punishment, higher fines, and the use of [Continuous Alcohol Monitoring \(CAM\)](#) for high-risk offenders.

### CAM in North Carolina

Used in 49 states, SCRAM Continuous Alcohol Monitoring™ (CAM) has been used to monitor more than 310,000 repeat drunk drivers. In North Carolina, nearly 1,800 have completed a SCRAM CAM program.

On any given day in the state, 99.4% of DWI offenders monitored with SCRAM CAM have a completely Sober Day, defined as a 24-hour period where hourly, court-validated testing confirms no drinking and no attempt to circumvent testing. That means they're not drinking, and they're not drinking and re-offending.

Upheld in 84 evidentiary hearings, SCRAM CAM meets Frye/Daubert standards, provides single-source admissibility, and helps courts fulfill mandates of impaired driving statutes by:

- Monitoring offenders 24/7 for drinking
- Reducing recidivism by 45% in hardcore offenders (National Center for State Courts, 2009)
- Enforcing greater accountability for the highest-risk offenders



### Key laws expanding pretrial and post-conviction use of CAM devices include:

#### ► **SL 2011–191 (HB 49) | Laura's Law**

Passed to honor a teenage girl who was killed on a North Carolina highway in 2010 by a repeat drunk driver, Laura's Law dramatically increases penalties for DWI offenders with three or more aggravating factors. Crackdowns include higher fines, definite prison terms, and mandatory use of CAM.

#### ► **SL 2012–49 (HB 494) | Continuous Alcohol Monitoring**

This law provides for the use of CAM as a condition of pretrial release or post-conviction probation, and to mitigate the punishment for the offense of impaired driving. It also allows for the use of CAM to ensure compliance with child custody and visitation orders.

#### ► **SL 2009–500 (HB 926) | CAM for Restoration of Revoked License**

This legislation enables the Department of Motor Vehicles to conditionally restore a revoked license using CAM as follows:

- Four-year license revocation – Restoration hearing at two years with a minimum 120 days on CAM
- Permanent revocation – Restoration hearing at two years with minimum 365 days on CAM

For your convenience, a [guide to implementing CAM under provisions of these statutes is provided on the reverse.](#)

# Implementing 2011-12 Impaired Driving Statutes

Summary of Pretrial and Post-Conviction Provisions of State Statutes SL 2011-191 (Laura's Law/HB 46, effective Dec. 1, 2011) and SL 2012-146 (HB 494, effective Dec. 1, 2012)

## CAM Provisions | Pretrial: §15A-534 | Post-Conviction: Laura's Law – SL 2011-191

Pretrial	Duration on CAM	Mandatory?
Pretrial	Period of pretrial release, or "until this condition is removed by entry of order of a court of competent jurisdiction." <ul style="list-style-type: none"> <li>Specified credit for pretrial monitoring days may be applied to post-conviction sentencing in certain cases, as noted below</li> </ul>	Judicial discretion
Post-Trial Level of Conviction	Duration on CAM	Mandatory?
Aggravated Level One (with prison term)	4 months of post-release supervision	YES
Aggravated Level One (probation in lieu of prison)	Imprisonment may be suspended only as a condition of special probation with a minimum of 120 days on CAM to a maximum term of probation	YES
Level One	Minimum 30 days to maximum term of probation <ul style="list-style-type: none"> <li>Minimum detention may be reduced to 10 days when 120 days or more of CAM is assigned as a condition of special probation</li> <li>60 days of pretrial CAM monitoring may be credited against the 120-day Level 1 CAM sentencing</li> </ul>	Judicial discretion
Level Two	Minimum 30 days to maximum term of probation <ul style="list-style-type: none"> <li>Minimum detention may be suspended when 90 days or more of CAM is assigned as a condition of special probation</li> <li>60 days of pretrial CAM monitoring may be credited to the 90-Day Level 2 CAM sentencing</li> </ul>	Judicial discretion

## SCRAM Continuous Alcohol Monitoring in North Carolina

**Authorized SCRAM CAM Service Providers serving all 100 counties statewide:** Alcohol Monitoring Systems is the SCRAM CAM Service Provider dedicated to serving your court's jurisdiction. Please see our contact information below.

### The One-Step SCRAM CAM Installation Process

Visit <https://ncdps.scramsystems.com/> to quickly and easily refer an offender for enrollment in the SCRAM CAM Program—administered by the North Carolina Department of Public Safety.

### SCRAM CAM Offender-Paid Program Guidelines

Service	Cost (Fees paid directly to Service Provider, with program termination contingent upon court approval)	Billing / Collection Administration
One-time Installation Fee	\$75	SCRAM Service Provider
Daily Monitoring Fee	Range: \$10-12	SCRAM Service Provider
Reporting / Alerts	Included	SCRAM Service Provider

### Local Program Management

Service	Description	Cost
Daily Monitoring / Management	Offender interface, orientation, appointments, tech support	Included
Reporting / Alert Notification	Review / distribute daily reports, violations, special reports	Included
Equipment Maintenance	Installation, removal, repair, replacement, maintenance	Included
Testimony / Judicial Support	Individualized documentation, expert witness, data analysis	Included

For comprehensive information on Laura's Law and other CAM-related legislation for the state of North Carolina, visit: [www.scramsystems.com/LaurasLaw](http://www.scramsystems.com/LaurasLaw)

