

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 308

Short Title: Amend Various DWI Statutes. (Public)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 20, 2017

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE STATUTE OF LIMITATIONS SHALL BE TOLLED WHEN A MISDEMEANOR IS DISMISSED WITH LEAVE AND TO PROVIDE THAT THE RESULTS OF HGN TESTS SHALL BE ADMISSIBLE WHEN GIVEN BY A PERSON WHO HAS SUCCESSFULLY COMPLETED HGN TRAINING AND THE TEST IS ADMINISTERED IN ACCORDANCE WITH THE PERSON'S TRAINING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15-1 reads as rewritten:

"**§ 15-1. Statute of limitations for misdemeanors.**

The crimes of deceit and malicious mischief, and the crime of petit larceny where the value of the property does not exceed five dollars (\$5.00), and all misdemeanors except malicious misdemeanors, shall be ~~presented or found by the grand jury charged~~ within two years after the commission of the same, and not afterwards: Provided, that if any ~~indictment found within that time~~ criminal process shall be defective, so that no judgment can be given thereon, another prosecution may be instituted for the same offense, within one year after the first shall have been abandoned by the State. In addition, the statute of limitations shall be tolled during the time a misdemeanor is dismissed with leave."

SECTION 2. G.S. 8C-1, Rule 702(a1), reads as rewritten:

"**Rule 702. Testimony by experts.**

...

(a1) ~~A witness, qualified under subsection (a) of this section and with proper foundation,~~ Notwithstanding any other provision of law, a witness may give expert testimony solely on the issue of impairment and not on the issue of specific alcohol concentration level relating to the following:

- (1) The results of a Horizontal Gaze Nystagmus (HGN) Test when the test is administered in accordance with the person's training by a person who has successfully completed training in HGN.
- (2) Whether a person was under the influence of one or more impairing substances, and the category of such impairing substance or ~~substances.~~ A witness who has received training and substances by a person who holds a current certification as a Drug Recognition Expert, issued by the State Department of Health and Human Services, shall be qualified to give the testimony under this subdivision. Services, and administers a drug influence evaluation."



1 **SECTION 3.** Section 1 of this act becomes effective December 1, 2017, and
2 applies to offenses committed on or after that date. The remainder of the act is effective when it
3 becomes law.