



CHAPTER 15A
ARTICLE 26 - BAIL

N.C.G.S. § 15A-534.2.

Detention of impaired drivers.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-27, s. 4.2(a) — fourth act in the lineage	RETRIEVED 21 September 2026, 02:54 UTC	SOURCE FINGERPRINT fa2f5db9139caf6bf169c3b3 - cb02a738bffaee7644425467 - c2b245d4a82b7713
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§ 15A-534.2(a) A judicial official conducting an initial appearance for an offense involving impaired driving, as defined in G.S. 20-4.01(24a), must follow the procedure in G.S. 15A-511 except as modified by this section. This section may not be interpreted to impede a defendant's right to communicate with counsel and friends.

§ 15A-534.2(b) If at the time of the initial appearance the judicial official finds by clear and convincing evidence that the impairment of the defendant's physical or mental faculties presents a danger, if he is released, of physical injury to himself or others or damage to property, the judicial official must order that the defendant be held in custody and inform the defendant that he will be held in custody until one of the requirements of subsection (c) is met; provided, however, that the judicial official must at this time determine the appropriate conditions of pretrial release in accordance with G.S. 15A-534.

§ 15A-534.2(c) A defendant subject to detention under this section has the right to pretrial release under G.S. 15A-534 when the judicial official determines either that:

- (1) The defendant's physical and mental faculties are no longer impaired to the extent that he presents a danger of physical injury to himself or others or of damage to property if he is released; or
- (2) A sober, responsible adult is willing and able to assume responsibility for the defendant until his physical and mental faculties are no longer impaired. If the defendant is released to the custody of another, the judicial official may impose any other condition of pretrial release authorized by G.S. 15A-534, including a requirement that the defendant execute a secured appearance bond.

The defendant may be denied pretrial release under this section for a period no longer than 24 hours, and after such detention may be released only upon meeting the conditions of pretrial release set in accordance with G.S. 15A-534. If the defendant is detained for 24 hours, a judicial official must immediately determine the appropriate conditions of pretrial release in accordance with G.S. 15A-534.

§ 15A-534.2(d)

In making a determination about whether a defendant detained under this section remains impaired, the judicial official may request that the defendant submit to periodic tests to determine the defendant's alcohol concentration. Instruments acceptable for making preliminary breath tests under G.S. 20-16.3 may be used for this purpose as well as instruments for making evidentiary chemical analyses. Unless there is evidence that the defendant is still impaired from a combination of alcohol and some other impairing substance or condition, a judicial official is required to determine that a defendant with an alcohol concentration less than 0.05 is no longer impaired. The results of any periodic test to determine alcohol concentration may not be introduced into evidence in either of the following circumstances:

- (1) Against the defendant by the State in any criminal, civil, or administrative proceeding arising out of an offense involving impaired driving.
- (2) For any purpose in any proceeding if the test was not performed by a method approved by the Department of Health and Human Services under G.S. 20-139.1 and by a person licensed to administer the test by the Department of Health and Human Services.

The fact that a defendant refused to comply with a judicial official's request that he submit to a chemical analysis may not be admitted into evidence in any criminal action, administrative proceeding, or a civil action to review a decision reached by an administrative agency in which the defendant is a party.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
4 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
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01	1983	c. 435, s. 4	ENACTED
02	1997	S.L. 1997-443, s. 11A.118(a)	AMENDED
03	2007	S.L. 2007-182, s. 2	AMENDED
04	2025	S.L. 2025-27, s. 4.2(a)	AMENDED

APPARATUS II
5 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 20-4.01(24a)	(a)	"involving impaired driving, as defined in"
G.S. 15A-511	(a)	"20-4.01(24a), must follow the procedure in"
G.S. 15A-534	(b)	"of pretrial release in accordance with"
G.S. 20-16.3	(d)	"for making preliminary breath tests under"
G.S. 20-139.1	(d)(2)	"of Health and Human Services under"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-534.2 (2025).

PINPOINT

N.C. Gen. Stat. § 15A-534.2(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1983, c. 435, s. 4; 1997-443, s. 11A.118(a); 2007-182, s. 2; 2025-27, s. 4.2(a).)

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