

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 862
HOUSE BILL 1325

AN ACT TO ELIMINATE IMPRISONMENT AS PUNISHMENT FOR A FIRST OFFENSE
OF MISDEMEANOR POSSESSION OF A SCHEDULE VI CONTROLLED
SUBSTANCE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(d)(4), as it appears in the 1975 Replacement of Volume 2C, is amended by deleting from the second and third lines the words, "sentenced to a term of imprisonment of not more than six months or"; by substituting in the third line the word, "one" for the word, "five"; by substituting in the fourth line the amount, "\$100.00" for the amount, "\$500.00"; and by deleting from the fourth line the words, "or both in the discretion of the court".

Sec. 2. G.S. 90-95(e), as it appears in the 1975 Replacement of Volume 2C, is amended by changing the period following subdivision (6) to a semicolon and by adding a new subdivision (7) to read as follows:

"(7) If any person commits an offense under this Article for which the prescribed punishment includes only a fine, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than six months or fined not more than five hundred dollars (\$500.00), or both in the discretion of the court."

Sec. 3. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.