

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 640
SENATE BILL 829

AN ACT TO CREATE THE OFFENSE OF "TRAFFICKING IN LYSERGIC ACID
DIETHYLAMIDE" AND TO CLARIFY THE PENALTY FOR DRUG
TRAFFICKING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(h)(5), as amended by Chapter 90 of the 1987 Session Laws, reads as rewritten:

"(5) Except as provided in this subdivision, a person being sentenced under this subsection may not receive a suspended sentence or be placed on probation. A person sentenced under this subsection as a committed youthful offender shall be eligible for release or parole no earlier than that person would have been had he been sentenced under this subsection as a regular offender. The sentencing judge may reduce the fine, or impose a prison term less than the applicable minimum prison term provided by this subsection, or suspend the prison term imposed and place a person on probation when such person has, to the best of his knowledge, provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals if the sentencing judge enters in the record a finding that the person to be sentenced has rendered such substantial assistance."

Sec. 2. G.S. 90-95(h) is amended by adding a new subdivision to read:

"(4A) Any person who sells, manufactures, delivers, transports, or possesses 100 tablets, capsules, or other dosage units, or the equivalent quantity, or more, of Lysergic Acid Diethylamide, or any mixture containing such substance, shall be guilty of a felony, which felony shall be known as 'trafficking in Lysergic Acid Diethylamide'. If the quantity of such substance or mixture involved:

- a. Is 100 or more dosage units, or equivalent quantity, but less than 500 dosage units, or equivalent quantity, such person shall be punished as a Class G felon and shall be sentenced to a term of at least seven years in the State's prison and shall be fined not less than twenty-five thousand dollars (\$25,000);
- b. Is 500 or more dosage units, or equivalent quantity, but less than 1,000 dosage units, or equivalent quantity, such person shall be punished as a Class F felon and shall be sentenced to a term of at least 14 years in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);
- c. Is 1,000 or more dosage units, or equivalent quantity, such person shall be punished as a Class D felon and shall be sentenced to a term of at

least 35 years in the State's prison and shall be fined not less than two hundred thousand dollars (\$200,000)."

Sec. 3. Section 1 of this act is effective upon ratification. Section 2 of this act shall become effective October 1, 1987, and applies to offenses occurring on and after that date.

In the General Assembly read three times and ratified this the 20th day of July, 1987.