

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 949

Short Title: Mandatory Sentence/Drug Dealer.

(Public)

Sponsors: Representatives Nichols; Arnold, Balmer, Bowman, Brawley, Brubaker, Cummings, Decker, Dockham, Esposito, Hayes, Holmes, Joye, Justus, Mitchell, Morgan, C. Preston, J. Preston, Russell, and Wood.

Referred to: Judiciary III.

April 15, 1993

A BILL TO BE ENTITLED

1 AN ACT TO IMPOSE A MANDATORY MINIMUM SENTENCE FOR SELLING
2 OR DELIVERING DRUGS IN AMOUNTS NOT SUFFICIENTLY LARGE TO
3 VIOLATE DRUG TRAFFICKING LAWS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 90-95(b) reads as rewritten:

6 "(b) Except as provided in subsections (h) and (i) of this section, any person who
7 violates G.S. 90-95(a)(1) with respect to:

8 (1) A controlled substance classified in Schedule I or II shall be punished
9 as a Class H ~~felon~~, felon and shall be sentenced to a term of at least
10 seven years in the State's prison and fined not less than twenty-five
11 thousand dollars (\$25,000);

12 (2) A controlled substance classified in Schedule III, IV, V, or VI shall be
13 punished as a Class I ~~felon~~, felon and shall be sentenced to a term of at
14 least three years in the State's prison and fined not less than ten
15 thousand dollars (\$10,000), but the transfer of less than 5 grams of
16 marijuana for no remuneration shall not constitute a delivery in
17 violation of G.S. 90-95(a)(1).
18

19 A person being sentenced under this subsection may not receive a suspended
20 sentence or be placed on probation. The actual time served pursuant to a sentence
21 imposed under this subsection may not be reduced for good time, or by early parole. A
22 person sentenced under this subsection as a committed youthful offender shall be

1 eligible for release or parole no earlier than that person would have been had he been
2 sentenced under this subsection as a regular offender.

3 The sentencing judge may reduce the mandatory minimum fine or the mandatory
4 minimum prison term or both to no less than two-thirds of the mandatory minimum fine
5 or prison term required under this subsection, when the district attorney represents to the
6 court that such person has provided substantial assistance in the identification, arrest, or
7 conviction of any accomplices, accessories, coconspirators, or principals if the
8 sentencing judge enters in the record a finding that the person to be sentenced has
9 rendered such substantial assistance.

10 Sentences imposed pursuant to this subsection shall run consecutively with and shall
11 commence at the expiration of any sentence being served by the person sentenced
12 hereunder. The penalties imposed under this subsection shall also apply to any person
13 who is convicted of conspiracy to commit any of the offenses described in this
14 subsection."

15 Sec. 2. This act becomes effective December 1, 1993, and applies to offenses
16 occurring on or after that date.