

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 950

Short Title: Use of Firearm During Drug Offense.

(Public)

Sponsors: Representatives Nichols; Bowman and Decker.

Referred to: Judiciary III.

April 15, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEPARATE OFFENSE PUNISHABLE BY A MANDATORY MINIMUM TEN YEARS IMPRISONMENT WITHOUT PAROLE, GOOD TIME, OR GAIN TIME FOR POSSESSION OF A CONCEALED WEAPON OR USE OF A DEADLY WEAPON DURING THE COMMISSION OF A FELONY DRUG OFFENSE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-95.6. Possession of a concealed weapon or use of deadly weapon during felony drug offense.

(a) A person who possesses a concealed weapon or uses a deadly weapon while committing a felony offense under G.S. 90-95 is guilty of a Class F felony and shall be sentenced to a term of at least 10 years in the State's prison.

(b) The offense created by this section is a separate, punishable offense from a felony offense under G.S. 90-95. A person may be convicted and punished for a violation of this section and also may be convicted and punished for a felony violation of G.S. 90-95.

(c) A person sentenced under this section shall not receive a suspended sentence or be placed on probation. Notwithstanding any other provision of law, a person sentenced under this section shall not be eligible for parole, good time, or gain time. A person sentenced under this section shall not be eligible to be sentenced as a committed youthful offender. The term of imprisonment imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any term of imprisonment

1 imposed for a felony offense committed under G.S. 90-95 and any other sentence being
2 served by the person being sentenced."

3 Sec. 2. This act becomes effective December 1, 1993, and applies to offenses
4 committed on or after that date.