

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1822

Short Title: Expand Firearm Enhancement for Felonies.

(Public)

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Sponsors: Representatives Justus, Kiser; Walend, Gillespie, Pope, Rayfield, and West.

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Referred to: Rules, Calendar, and Operations of the House.

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May 30, 2000

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE A MANDATORY TWENTY-FOUR-MONTH ENHANCED  
2 SENTENCE FOR USE OF A FIREARM IN CLASS F THROUGH I FELONIES.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 15A-1340.16A reads as rewritten:

5 "**§ 15A-1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1, B2,  
6 C, D, or E felony and the defendant used, displayed, or threatened to use  
7 or display a firearm during the commission of the felony.**

8 (a) If a person is convicted of a Class A, B1, B2, C, D, or E felony and the court  
9 finds that the person used, displayed, or threatened to use or display a firearm at the time  
10 of the felony, the court shall increase the minimum term of imprisonment to which the  
11 person is sentenced by 60 months. If a person is convicted of a Class F, G, H, or I felony  
12 and the court finds that the person used, displayed, or threatened to use or display a  
13 firearm at the time of the felony, the court shall increase the minimum term of  
14 imprisonment to which the person is sentenced by 24 months. The court shall not  
15 suspend the 60-month or 24-month minimum term of imprisonment imposed as an  
16 enhanced sentence under this section and shall not place any person sentenced under this  
17 section on probation for the enhanced sentence.

18 (b) Subsection (a) of this section does not apply in any of the following  
19 circumstances:  
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- 1           (1) ~~The person is not sentenced to an active term of imprisonment.~~  
2           (2) The evidence of the use, display, or threatened use or display of a  
3           firearm is needed to prove an element of the underlying ~~Class A, B1,~~  
4           ~~B2, C, D, or E~~ felony.  
5           (3) The person did not actually possess a firearm about his or her person.”  
6           Section 2. This act becomes effective December 1, 2000, and applies to  
7 offenses committed on or after that date.