

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

1

SENATE BILL 727

Short Title: Amend Drug Trafficking Sentence.

(Public)

Sponsors: Senator Kinnaird.

Referred to: Judiciary I (Civil).

March 14, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING THE SENTENCE THAT MAY BE
3 IMPOSED ON CERTAIN PERSONS CONVICTED OF A DRUG TRAFFICKING
4 OFFENSE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-95(h)(5) reads as rewritten:

7 "(5) Except as provided in this subdivision, a person being sentenced under
8 this subsection may not receive a suspended sentence or be placed on
9 probation. The sentencing judge may reduce the fine, or impose a
10 prison term less than the applicable minimum prison term provided by
11 this subsection, or suspend the prison term imposed and place a person
12 on probation ~~when such~~when the sentencing judge finds that the
13 person meets the criteria set out in either G.S. 90-90(h)(5)a. or
14 G.S. 90-95(h)(5)b. and enters that finding in the record:

15 a. The person has, to the best of his knowledge, provided
16 substantial assistance in the identification, arrest, or conviction
17 of any accomplices, accessories, co-conspirators, or principals
18 if the sentencing judge enters in the record a finding that the
19 person to be sentenced has rendered such substantial
20 assistance.principals; or

21 b. The person has no prior convictions for crimes that produced or
22 threatened serious bodily harm; has no prior felony convictions
23 for the manufacture, sale, delivery, or possession of controlled
24 substances as defined in this Article; and the sentencing judge
25 finds by a preponderance of the evidence that the person: (i)
26 did not possess a firearm during the commission of the offense;
27 (ii) played a minimal role in the drug scheme that led to the
28 offense; (iii) carried out the offense at the direction of another;
29 and (iv) stood to receive substantially less pecuniary gain from

1 the offense than the person who directed the commission of the
2 offense."

3 **SECTION 2.** This act becomes effective December 1, 2007.