

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 339

Short Title: Felony to Possess Some Drugs.

(Public)

Sponsors: Representatives Kimsey; Abernethy, Arnold, Balmer, Brown, N. Crawford, Creech, DeVane, Dickson, Diggs, Duncan, L. Etheridge, Gardner, Grady, Hasty, Howard, Isenhower, Justus, Lail, Loflin, Mills, Privette, Stam, Warner, P. Wilson, and Wood.

Referred to: Judiciary.

Februray 23, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE THE POSSESSION OF ANY AMOUNT OF COCAINE OR PHENCYCLIDINE A FELONY.

The General Assembly of North Carolina enacts:

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

"(d) Except as provided in subsections (h) and (i) of this section, any person who violates G.S. 90-95(a)(3) with respect to:

(1) A controlled substance classified in Schedule I shall be punished as a Class I felon;

(2) A controlled substance classified in Schedule II, III, or IV shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than two years or fined not more than two thousand dollars (\$2,000), or both in the discretion of the court. If the controlled substance exceeds four tablets, capsules, or other dosage units or equivalent quantity of hydromorphone or if the quantity of the controlled substance, or combination of the controlled substances, exceeds one hundred tablets, capsules or other dosage units, or equivalent quantity, ~~including one-half gram or more of phencyclidine,~~ the violation shall be punishable as a Class I felony. If the controlled substance is phencyclidine the violation shall be punishable as a Class I felony. ~~If the controlled substance is one gram or more of cocaine and~~

1 any salt, isomer, salts of isomers, compound, derivative, or preparation  
2 thereof, or coca leaves and any salt, isomer, salts of isomers,  
3 compound, derivative, or preparation of coca leaves, or any salt,  
4 isomer, salts of isomers, compound, derivative or preparation thereof  
5 which is chemically equivalent or identical with any of these  
6 substances (except decocanized coca leaves or any extraction of coca  
7 leaves which does not contain cocaine or ecgonine), the violation shall  
8 be punishable as a Class I felony.

9 (3) A controlled substance classified in Schedule V shall be guilty of a  
10 misdemeanor and shall be sentenced to a term of imprisonment of not  
11 more than six months or fined not more than five hundred dollars  
12 (\$500.00), or both in the discretion of the court;

13 (4) A controlled substance classified in Schedule VI shall be guilty of a  
14 misdemeanor and shall be sentenced to a term of imprisonment of not  
15 more than 30 days or fined not more than one hundred dollars  
16 (\$100.00), or both, in the discretion of the court, but any sentence of  
17 imprisonment imposed must be suspended and the judge may not  
18 require at the time of sentencing that the defendant serve a period of  
19 imprisonment as a special condition of probation. If the quantity of the  
20 controlled substance exceeds one-half of an ounce (avoirdupois) of  
21 marijuana or one-twentieth of an ounce (avoirdupois) of the extracted  
22 resin of marijuana, commonly known as hashish, the violation shall be  
23 punishable as a general misdemeanor. If the quantity of the controlled  
24 substance exceeds one and one-half ounces (avoirdupois) of marijuana  
25 or three-twentieths of an ounce (avoirdupois) of the extracted resin of  
26 marijuana, commonly known as hashish, or if the controlled substance  
27 consists of any quantity of synthetic tetrahydrocannabinols or  
28 tetrahydrocannabinols isolated from the resin of marijuana, the  
29 violation shall be punishable as a Class I felony."

30 Sec. 2. This act shall become effective October 1, 1989, and shall apply to  
31 offenses occurring on or after that date.