

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 304

Short Title: Mandatory Sentences for Dealers.

(Public)

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Sponsors: Representatives Rhyne; Bowman and Privette.

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Referred to: Judiciary I.

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March 25, 1991

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

A person being sentenced under this subsection may not receive a suspended  
sentence or be placed on probation. The actual time served pursuant to a sentence  
imposed under this subsection may not be reduced for good time, or by early parole. A  
person sentenced under this subsection as a committed youthful offender shall be  
eligible for release or parole no earlier than that person would have been had he been  
sentenced under this subsection as a regular offender.

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

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

13                Sec. 2. This act becomes effective October 1, 1991, and applies to offenses  
14 occurring on or after that date.