

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 349

Short Title: Use of Firearm During Drug Offense.

(Public)

Sponsors: Representatives Justus; Beard, Bowman, Buchanan, Diamont, Dickson, Dockham, Fletcher, Gamble, Hege, Howard, Kimsey, Ligon, Morgan, Privette, Rhodes, Russell, Stewart, Warner, Wilson, and Wood.

Referred to: Judiciary I.

March 27, 1991

A BILL TO BE ENTITLED

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

7 The General Assembly of North Carolina enacts:

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

10 "**§ 90-95.6. Possession of a concealed weapon or use of deadly weapon during**
11 **felony drug offense.**

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

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

19 (c) A person sentenced under this section shall not receive a suspended sentence
20 or be placed on probation. Notwithstanding any other provision of law, a person
21 sentenced under this section shall not be eligible for parole, good time, or gain time. A
22 person sentenced under this section shall not be eligible to be sentenced as a committed

1 youthful offender. The term of imprisonment imposed pursuant to this section shall run
2 consecutively with and shall commence at the expiration of any term of imprisonment
3 imposed for a felony offense committed under G.S. 90-95 and any other sentence being
4 served by the person being sentenced."

5 Sec. 2. This act becomes effective October 1, 1991, and applies to offenses
6 committed on or after that date.