

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

D

SENATE DRS55228-LH-103 (2/19)

Short Title: Amend Drug Trafficking Sentence.

(Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE SENTENCE THAT MAY BE  
IMPOSED ON CERTAIN PERSONS CONVICTED OF A DRUG TRAFFICKING  
OFFENSE.

The General Assembly of North Carolina enacts:

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

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

- a. The person has, to the best of his knowledge, provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals if the sentencing judge enters in the record a finding that the person to be sentenced has rendered such substantial assistance.
- b. The person has no prior convictions for crimes that produced or threatened serious bodily harm; has no prior felony convictions for the manufacture, sale, delivery, or possession of controlled substances as defined in this Article; and the sentencing judge finds by a preponderance of the evidence that the person: (i) did not possess a firearm during the commission of the offense; (ii) played a minimal role in the drug scheme that led to the

1                                    offense; (iii) carried out the offense at the direction of another;  
2                                    and (iv) stood to receive substantially less pecuniary gain from  
3                                    the offense than the person who directed the commission of the  
4                                    offense."

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