

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 770
Senate Judiciary Committee Substitute Adopted 7/8/97

Short Title: Amend Marijuana Trafficking Amts.

(Public)

Sponsors:

Referred to: Appropriations.

April 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE OFFENSE OF TRAFFICKING IN MARIJUANA BY
3 CHANGING THE AMOUNT OF MARIJUANA THAT WOULD BE
4 CONSIDERED TRAFFICKING.

5 The General Assembly of North Carolina enacts:

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

7 "(h) Notwithstanding any other provision of law, the following provisions apply
8 except as otherwise provided in this Article.

9 (1) Any person who sells, manufactures, delivers, transports, or possesses
10 in excess of ~~50~~10 pounds (avoirdupois) of marijuana shall be guilty of a
11 felony which felony shall be known as 'trafficking in marijuana' and if
12 the quantity of such substance involved:

13 a. Is in excess of ~~50~~10 pounds, but less than ~~400~~50 pounds, such
14 person shall be punished as a Class H felon and shall be
15 sentenced to a minimum term of 25 months and a maximum term
16 of 30 months in the State's prison and shall be fined not less than
17 five thousand dollars (\$5,000);

18 b. Is ~~400~~50 pounds or more, but less than 2,000 pounds, such
19 person shall be punished as a Class G felon and shall be

- 1 sentenced to a minimum term of 35 months and a maximum term
2 of 42 months in the State's prison and shall be fined not less than
3 twenty-five thousand dollars (\$25,000);
- 4 c. Is 2,000 pounds or more, but less than 10,000 pounds, such
5 person shall be punished as a Class F felon and shall be
6 sentenced to a minimum term of 70 months and a maximum term
7 of 84 months in the State's prison and shall be fined not less than
8 fifty thousand dollars (\$50,000);
- 9 d. Is 10,000 pounds or more, such person shall be punished as a
10 Class D felon and shall be sentenced to a minimum term of 175
11 months and a maximum term of 219 months in the State's prison
12 and shall be fined not less than two hundred thousand dollars
13 (\$200,000).
- 14 (2) Any person who sells, manufactures, delivers, transports, or possesses
15 1,000 tablets, capsules or other dosage units, or the equivalent quantity,
16 or more of methaqualone, or any mixture containing such substance,
17 shall be guilty of a felony which felony shall be known as 'trafficking in
18 methaqualone' and if the quantity of such substance or mixture
19 involved:
- 20 a. Is 1,000 or more dosage units, or equivalent quantity, but less
21 than 5,000 dosage units, or equivalent quantity, such person shall
22 be punished as a Class G felon and shall be sentenced to a
23 minimum term of 35 months and a maximum term of 42 months
24 in the State's prison and shall be fined not less than twenty-five
25 thousand dollars (\$25,000);
- 26 b. Is 5,000 or more dosage units, or equivalent quantity, but less
27 than 10,000 dosage units, or equivalent quantity, such person
28 shall be punished as a Class F felon and shall be sentenced to a
29 minimum term of 70 months and a maximum term of 84 months
30 in the State's prison and shall be fined not less than fifty thousand
31 dollars (\$50,000);
- 32 c. Is 10,000 or more dosage units, or equivalent quantity, such
33 person shall be punished as a Class D felon and shall be
34 sentenced to a minimum term of 175 months and a maximum
35 term of 219 months in the State's prison and shall be fined not
36 less than two hundred thousand dollars (\$200,000).
- 37 (3) Any person who sells, manufactures, delivers, transports, or possesses
38 28 grams or more of cocaine and any salt, isomer, salts of isomers,
39 compound, derivative, or preparation thereof, or any coca leaves and
40 any salt, isomer, salts of isomers, compound, derivative, or preparation
41 of coca leaves, and any salt, isomer, salts of isomers, compound,
42 derivative or preparation thereof which is chemically equivalent or
43 identical with any of these substances (except decocainized coca leaves

1 or any extraction of coca leaves which does not contain cocaine) or any
2 mixture containing such substances, shall be guilty of a felony, which
3 felony shall be known as 'trafficking in cocaine' and if the quantity of
4 such substance or mixture involved:

- 5 a. Is 28 grams or more, but less than 200 grams, such person shall
6 be punished as a Class G felon and shall be sentenced to a
7 minimum term of 35 months and a maximum term of 42 months
8 in the State's prison and shall be fined not less than fifty thousand
9 dollars (\$50,000);
- 10 b. Is 200 grams or more, but less than 400 grams, such person shall
11 be punished as a Class F felon and shall be sentenced to a
12 minimum term of 70 months and a maximum term of 84 months
13 in the State's prison and shall be fined not less than one hundred
14 thousand dollars (\$100,000);
- 15 c. Is 400 grams or more, such person shall be punished as a Class D
16 felon and shall be sentenced to a minimum term of 175 months
17 and a maximum term of 219 months in the State's prison and
18 shall be fined at least two hundred fifty thousand dollars
19 (\$250,000).

20 (3a) Any person who sells, manufactures, delivers, transports, or possesses
21 1,000 tablets, capsules or other dosage units, or the equivalent quantity,
22 or more of amphetamine, its salts, optical isomers, and salts of its
23 optical isomers or any mixture containing such substance, shall be
24 guilty of a felony which felony shall be known as 'trafficking in
25 amphetamine' and if the quantity of such substance or mixture involved:

- 26 a. Is 1,000 or more dosage units, or equivalent quantity, but less
27 than 5,000 dosage units, or equivalent quantity, such person shall
28 be punished as a Class G felon and shall be sentenced to a
29 minimum term of 35 months and a maximum term of 42 months
30 in the State's prison and shall be fined not less than twenty-five
31 thousand dollars (\$25,000);
- 32 b. Is 5,000 or more dosage units, or equivalent quantity, but less
33 than 10,000 dosage units, or equivalent quantity, such person
34 shall be punished as a Class F felon and shall be sentenced to a
35 minimum term of 70 months and a maximum term of 84 months
36 in the State's prison and shall be fined not less than fifty thousand
37 dollars (\$50,000);
- 38 c. Is 10,000 or more dosage units, or equivalent quantity, such
39 person shall be punished as a Class D felon and shall be
40 sentenced to a minimum term of 175 months and a maximum
41 term of 219 months in the State's prison and shall be fined not
42 less than two hundred thousand dollars (\$200,000).

- 1 (3b) Any person who sells, manufactures, delivers, transports, or possesses
2 28 grams or more of methamphetamine shall be guilty of a felony which
3 felony shall be known as 'trafficking in methamphetamine' and if the
4 quantity of such substance or mixture involved:
- 5 a. Is 28 grams or more, but less than 200 grams, such person shall
6 be punished as a Class G felon and shall be sentenced to a
7 minimum term of 35 months and a maximum term of 42 months
8 in the State's prison and shall be fined not less than fifty thousand
9 dollars (\$50,000);
- 10 b. Is 200 grams or more, but less than 400 grams, such person shall
11 be punished as a Class F felon and shall be sentenced to a
12 minimum term of 70 months and a maximum term of 84 months
13 in the State's prison and shall be fined not less than one hundred
14 thousand dollars (\$100,000);
- 15 c. Is 400 grams or more, such person shall be punished as a Class D
16 felon and shall be sentenced to a minimum term of 175 months
17 and a maximum term of 219 months in the State's prison and
18 shall be fined at least two hundred fifty thousand dollars
19 (\$250,000).
- 20 (4) Any person who sells, manufactures, delivers, transports, or possesses
21 four grams or more of opium or opiate, or any salt, compound,
22 derivative, or preparation of opium or opiate (except apomorphine,
23 nalbuphine, analoxone and naltrexone and their respective salts),
24 including heroin, or any mixture containing such substance, shall be
25 guilty of a felony which felony shall be known as 'trafficking in opium
26 or heroin' and if the quantity of such controlled substance or mixture
27 involved:
- 28 a. Is four grams or more, but less than 14 grams, such person shall
29 be punished as a Class F felon and shall be sentenced to a
30 minimum term of 70 months and a maximum term of 84 months
31 in the State's prison and shall be fined not less than fifty thousand
32 dollars (\$50,000);
- 33 b. Is 14 grams or more, but less than 28 grams, such person shall be
34 punished as a Class E felon and shall be sentenced to a minimum
35 term of 90 months and a maximum term of 117 months in the
36 State's prison and shall be fined not less than one hundred
37 thousand dollars (\$100,000);
- 38 c. Is 28 grams or more, such person shall be punished as a Class C
39 felon and shall be sentenced to a minimum term of 225 months
40 and a maximum term of 279 months in the State's prison and
41 shall be fined not less than five hundred thousand dollars
42 (\$500,000).

- 1 (4a) Any person who sells, manufactures, delivers, transports, or possesses
2 100 tablets, capsules, or other dosage units, or the equivalent quantity,
3 or more, of Lysergic Acid Diethylamide, or any mixture containing such
4 substance, shall be guilty of a felony, which felony shall be known as
5 'trafficking in Lysergic Acid Diethylamide'. If the quantity of such
6 substance or mixture involved:
- 7 a. Is 100 or more dosage units, or equivalent quantity, but less than
8 500 dosage units, or equivalent quantity, such person shall be
9 punished as a Class G felon and shall be sentenced to a minimum
10 term of 35 months and a maximum term of 42 months in the
11 State's prison and shall be fined not less than twenty-five
12 thousand dollars (\$25,000);
- 13 b. Is 500 or more dosage units, or equivalent quantity, but less than
14 1,000 dosage units, or equivalent quantity, such person shall be
15 punished as a Class F felon and shall be sentenced to a minimum
16 term of 70 months and a maximum term of 84 months in the
17 State's prison and shall be fined not less than fifty thousand
18 dollars (\$50,000);
- 19 c. Is 1,000 or more dosage units, or equivalent quantity, such
20 person shall be punished as a Class D felon and shall be
21 sentenced to a minimum term of 175 months and a maximum
22 term of 219 months in the State's prison and shall be fined not
23 less than two hundred thousand dollars (\$200,000).
- 24 (5) Except as provided in this subdivision, a person being sentenced under
25 this subsection may not receive a suspended sentence or be placed on
26 probation. The sentencing judge may reduce the fine, or impose a prison
27 term less than the applicable minimum prison term provided by this
28 subsection, or suspend the prison term imposed and place a person on
29 probation when such person has, to the best of his knowledge, provided
30 substantial assistance in the identification, arrest, or conviction of any
31 accomplices, accessories, co-conspirators, or principals if the sentencing
32 judge enters in the record a finding that the person to be sentenced has
33 rendered such substantial assistance.
- 34 (6) Sentences imposed pursuant to this subsection shall run consecutively
35 with and shall commence at the expiration of any sentence being served
36 by the person sentenced hereunder."

37 Section 2. This act becomes effective December 1, 1997, and applies to
38 offenses committed on or after that date.