

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 920

Short Title: Enhanced Sent./Firearm/Felonies.

(Public)

Sponsors: Senator Odom.

Referred to: Judiciary.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A MANDATORY TWENTY-FOUR-MONTH ENHANCED
SENTENCE FOR USE OF A FIREARM IN CLASS F THROUGH I FELONIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-1340.16A reads as rewritten:

"§ 15A-1340.16A. **Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display a firearm during the commission of the felony.**

(a) If a person is convicted of a Class A, B1, B2, C, D, or E felony and the court finds that the person used, displayed, or threatened to use or display a firearm at the time of the felony, the court shall increase the minimum term of imprisonment to which the person is sentenced by 60 months. If a person is convicted of a Class F, G, H, or I felony and the court finds that the person used, displayed, or threatened to use or display a firearm at the time of the felony, the court shall increase the minimum term of imprisonment to which the person is sentenced by 24 months. The court shall not suspend the 60-month or 24-month minimum term of imprisonment imposed as an enhanced sentence under this section and shall not place any person sentenced under this section on probation for the enhanced sentence.

(a1) If the firearm is discharged during the commission of the felony, the enhanced term of imprisonment shall be increased by an additional 24-month term.

1 (b) Subsection (a) of this section does not apply in any of the following
2 circumstances:

3 (1) ~~The person is not sentenced to an active term of imprisonment.~~

4 (2) The evidence of the discharge, use, display, or threatened use or display
5 of a firearm is needed to prove an element of the underlying ~~Class A, B1,~~
6 ~~B2, C, D, or E~~ felony.

7 (3) The person did not actually possess a firearm about his or her person."

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