

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 675
HOUSE BILL 891

AN ACT TO AMEND G.S. 90-95(D)(4) TO INCREASE THE PUNISHMENT FOR
MISDEMEANOR POSSESSION OF MARIJUANA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(d)(4) is amended by rewriting that subdivision to read:

"(4) A controlled substance classified in Schedule VI shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than 30 days or fined not more than one hundred dollars (\$100.00), or both, in the discretion of the court, but any sentence of imprisonment imposed must be suspended and the judge may not require at the time of sentencing that the defendant serve a period of imprisonment as a special condition of probation. If the quantity of the controlled substance exceeds one-half of an ounce (avoirdupois) of marijuana or one-twentieth of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, the violation shall be punishable as a general misdemeanor. If the quantity of the controlled substance exceeds one and one-half ounces (avoirdupois) of marijuana or three-twentieths of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, or if the controlled substance consists of any quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of marijuana, the violation shall be punishable as a Class I felony."

Sec. 2. G.S. 90-95(e)(7) is amended by deleting "includes only a fine" and inserting in its place "requires that any sentence of imprisonment be suspended".

Sec. 3. This act shall become effective October 1, 1985, and shall apply to offenses committed on and after that date.

In the General Assembly read three times and ratified, this the 10th day of July, 1985.