

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1217

Short Title: Drug Offense With Weapon.

(Public)

Sponsors: Representatives Brubaker; and Bowman.

Referred to: Judiciary.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO IMPOSE AN EXTENDED SENTENCE ON A PERSON CONVICTED OF COMMITTING A DRUG OFFENSE WITH THE USE OR POSSESSION OF A FIREARM OR DANGEROUS WEAPON.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95 is amended by adding a new subsection to read:

"(j) Any person convicted of an offense under this section who commits that offense with the use, threatened use, or who has in his possession a firearm or other weapon that endangers or may endanger the life of a person shall, upon application of the district attorney, be sentenced to an additional two years of imprisonment. The sentence imposed under this subsection shall run consecutively with and shall commence at the expiration of any other sentence imposed under this section.

The court may not impose an extended sentence under this subsection, unless the ground for imposing such sentence is established at a hearing. The hearing may occur at the time of sentencing and the district attorney shall establish the ground for imposing the extended sentence by a preponderance of the evidence. In making its finding, the court shall take judicial notice of any evidence, testimony, or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information."

Sec. 2. This act shall become effective October 1, 1989, and shall apply to offenses occurring on or after that date.