

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 77  
Committee Substitute Favorable 7/7/89

Short Title: Felony To Possess Cocaine.

(Public)

Sponsors:

Referred to:

January 31, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE THE POSSESSION OF ANY AMOUNT OF COCAINE OR  
3 PHENCLYCLIDINE A FELONY.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 90-95(d) reads as rewritten:

6 "(d) Except as provided in subsections (h) and (i) of this section, any person who  
7 violates G.S. 90-95(a)(3) with respect to:

8 (1) A controlled substance classified in Schedule I shall be punished as a  
9 Class I felon;

10 (2) A controlled substance classified in Schedule II, III, or IV shall be  
11 guilty of a misdemeanor and shall be sentenced to a term of  
12 imprisonment of not more than two years or fined not more than two  
13 thousand dollars (\$2,000), or both in the discretion of the court. If the  
14 controlled substance exceeds four tablets, capsules, or other dosage  
15 units or equivalent quantity of hydromorphone or if the quantity of the  
16 controlled substance, or combination of the controlled substances,  
17 exceeds one hundred tablets, capsules or other dosage units, or  
18 equivalent quantity, ~~including one-half gram or more of phenacyclidine,~~ the  
19 violation shall be punishable as a Class I felony. If the controlled  
20 substance is phenacyclidine, or one gram or more of cocaine and any  
21 salt, isomer, salts of isomers, compound, derivative, or preparation  
22 thereof, or coca leaves and any salt, isomer, salts of isomers,  
23 compound, derivative, or preparation of coca leaves, or any salt,

1 isomer, salts of isomers, compound, derivative or preparation thereof  
2 which is chemically equivalent or identical with any of these  
3 substances (except decocanized coca leaves or any extraction of coca  
4 leaves which does not contain cocaine or ecgonine), the violation shall  
5 be punishable as a Class I felony.

6 (3) A controlled substance classified in Schedule V shall be guilty of a  
7 misdemeanor and shall be sentenced to a term of imprisonment of not  
8 more than six months or fined not more than five hundred dollars  
9 (\$500.00), or both in the discretion of the court;

10 (4) A controlled substance classified in Schedule VI shall be guilty of a  
11 misdemeanor and shall be sentenced to a term of imprisonment of not  
12 more than 30 days or fined not more than one hundred dollars  
13 (\$100.00), or both, in the discretion of the court, but any sentence of  
14 imprisonment imposed must be suspended and the judge may not  
15 require at the time of sentencing that the defendant serve a period of  
16 imprisonment as a special condition of probation. If the quantity of the  
17 controlled substance exceeds one-half of an ounce (avoirdupois) of  
18 marijuana or one-twentieth of an ounce (avoirdupois) of the extracted  
19 resin of marijuana, commonly known as hashish, the violation shall be  
20 punishable as a general misdemeanor. If the quantity of the controlled  
21 substance exceeds one and one-half ounces (avoirdupois) of marijuana  
22 or three-twentieths of an ounce (avoirdupois) of the extracted resin of  
23 marijuana, commonly known as hashish, or if the controlled substance  
24 consists of any quantity of synthetic tetrahydrocannabinols or  
25 tetrahydrocannabinols isolated from the resin of marijuana, the  
26 violation shall be punishable as a Class I felony."

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