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**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1995**

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**SENATE BILL 1479**

Short Title: Drug Law Amendments.

(Public)

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Sponsors: Senators Albertson; Carpenter, Cochrane, Conder, East, Forrester, Foxx,  
Hoyle, Kerr, Lucas, Martin of Pitt, Odom, Page, Perdue, Plexico, Shaw,  
Speed, and Warren.

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Referred to: Appropriations.

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June 20, 1996

**A BILL TO BE ENTITLED**

**AN ACT TO STRENGTHEN THE CONTROLLED SUBSTANCES LAWS.**

The General Assembly of North Carolina enacts:

Section 1. G. S. 90-95 reads as rewritten:

**"§ 90-95. Violations; penalties.**

(a) Except as authorized by this Article, it is unlawful for any person:

- (1) To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance;
- (2) To create, sell or deliver, or possess with intent to sell or deliver, a counterfeit controlled substance;
- (3) To possess a controlled substance.

(b) Except as provided in subsections (h) and (i) of this section, any person who violates G.S. 90-95(a)(1) with respect to:

- (1) A controlled substance classified in Schedule I or II shall be punished as a Class ~~H~~E felon;
- (2) A controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class ~~I~~G felon, but the transfer of less than 5 grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

(c) Any person who violates G.S. 90-95(a)(2) shall be punished as a Class I felon.

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

- 1 (1) A controlled substance classified in Schedule I shall be punished as a  
2 Class ~~I-G~~ felon;
- 3 (2) A controlled substance classified in Schedule II, III, or IV shall be  
4 guilty of a Class 1 misdemeanor. If the controlled substance exceeds  
5 four tablets, capsules, or other dosage units or equivalent quantity of  
6 hydromorphone or if the quantity of the controlled substance, or  
7 combination of the controlled substances, exceeds one hundred tablets,  
8 capsules or other dosage units, or equivalent quantity, the violation  
9 shall be punishable as a Class ~~I-G~~ felony. If the controlled substance is  
10 phencyclidine, or cocaine and any salt, isomer, salts of isomers,  
11 compound, derivative, or preparation thereof, or coca leaves and any  
12 salt, isomer, salts of isomers, compound, derivative, or preparation of  
13 coca leaves, or any salt, isomer, salts of isomers, compound, derivative  
14 or preparation thereof which is chemically equivalent or identical with  
15 any of these substances (except decocanized coca leaves or any  
16 extraction of coca leaves which does not contain cocaine or ecgonine),  
17 the violation shall be punishable as a Class ~~I-G~~ felony.
- 18 (3) A controlled substance classified in Schedule V shall be guilty of a  
19 Class ~~2-misdemeanor~~; I felony;
- 20 (4) A controlled substance classified in Schedule VI shall be guilty of a  
21 Class 3 misdemeanor, but any sentence of imprisonment imposed must  
22 be suspended and the judge may not require at the time of sentencing  
23 that the defendant serve a period of imprisonment as a special  
24 condition of probation. If the quantity of the controlled substance  
25 exceeds one-half of an ounce (avoirdupois) of marijuana or  
26 one-twentieth of an ounce (avoirdupois) of the extracted resin of  
27 marijuana, commonly known as hashish, the violation shall be  
28 punishable as a Class 1 misdemeanor. If the quantity of the controlled  
29 substance exceeds one and one-half ounces (avoirdupois) of marijuana  
30 or three-twentieths of an ounce (avoirdupois) of the extracted resin of  
31 marijuana, commonly known as hashish, or if the controlled substance  
32 consists of any quantity of synthetic tetrahydrocannabinols or  
33 tetrahydrocannabinols isolated from the resin of marijuana, the  
34 violation shall be punishable as a Class I felony.
- 35 (dl) Except as authorized by this Article, it is unlawful for any person to:
- 36 (1) Possess an immediate precursor chemical with intent to manufacture a  
37 controlled substance; or
- 38 (2) Possess or distribute an immediate precursor chemical knowing, or  
39 having reasonable cause to believe, that the immediate precursor  
40 chemical will be used to manufacture a controlled substance.
- 41 Any person who violates this subsection shall be punished as a Class H felon.
- 42 (d2) The immediate precursor chemicals to which subsection (dl) of this section  
43 applies are those immediate precursor chemicals designated by the Commission

1 pursuant to its authority under G.S. 90-88, and the following (until otherwise specified  
2 by the Commission):

- 3 (1) Anthranilic acid.
- 4 (2) Benzyl cyanide.
- 5 (3) Chloroephedrine.
- 6 (4) Chloropseudoephedrine.
- 7 (5) D-lysergic acid.
- 8 (6) Ephedrine.
- 9 (7) Ergonovine maleate.
- 10 (8) Ergotamine tartrate.
- 11 (9) Ethyl Malonate.
- 12 (10) Ethylamine.
- 13 (11) Isosafrole.
- 14 (12) Malonic acid.
- 15 (13) Methylamine.
- 16 (14) N-acetylanthranilic acid.
- 17 (15) N-ethylephedrine.
- 18 (16) N-ethylepseudoephedrine.
- 19 (17) N-methylephedrine.
- 20 (18) N-methylpseudoephedrine.
- 21 (19) Norpseudoephedrine.
- 22 (20) Phenyl-2-propane.
- 23 (21) Phenylacetic acid.
- 24 (22) Phenylpropanolamine.
- 25 (23) Piperidine.
- 26 (24) Piperonal.
- 27 (25) Propionic anhydride.
- 28 (26) Pseudoephedrine.
- 29 (27) Pyrrolidine.
- 30 (28) Safrole.
- 31 (29) Thionylchloride.

32 (e) The prescribed punishment and degree of any offense under this Article shall  
33 be subject to the following conditions, but the punishment for an offense may be  
34 increased only by the maximum authorized under any one of the applicable conditions:

- 35 (1), (2) Repealed by Session Laws 1979, c. 760, s. 5.
- 36 (3) If any person commits a Class 1 misdemeanor under this Article and if  
37 he has previously been convicted for one or more offenses under any  
38 law of North Carolina or any law of the United States or any other  
39 state, which offenses are punishable under any provision of this  
40 Article, he shall be punished as a Class I felon. The prior conviction  
41 used to raise the current offense to a Class I felony shall not be used to  
42 calculate the prior record level;
- 43 (4) If any person commits a Class 2 misdemeanor, and if he has previously  
44 been convicted for one or more offenses under any law of North

1 Carolina or any law of the United States or any other state, which  
2 offenses are punishable under any provision of this Article, he shall be  
3 guilty of a Class 1 misdemeanor. The prior conviction used to raise the  
4 current offense to a Class 1 misdemeanor shall not be used to calculate  
5 the prior conviction level;

6 (5) Any person 18 years of age or over who violates G.S. 90-95(a)(1) by  
7 selling or delivering a controlled substance to a person under 16 years  
8 of age or a pregnant female shall be punished as a Class E felon.  
9 Mistake of age is not a defense to a prosecution under this section. It  
10 shall not be a defense that the defendant did not know that the recipient  
11 was pregnant;

12 (6) For the purpose of increasing punishment under G.S. 90-95(e)(3) and  
13 (e)(4), previous convictions for offenses shall be counted by the  
14 number of separate trials at which final convictions were obtained and  
15 not by the number of charges at a single trial;

16 (7) If any person commits an offense under this Article for which the  
17 prescribed punishment requires that any sentence of imprisonment be  
18 suspended, and if he has previously been convicted for one or more  
19 offenses under any law of North Carolina or any law of the United  
20 States or any other state, which offenses are punishable under any  
21 provision of this Article, he shall be guilty of a Class 2 misdemeanor;

22 (8) Any person 21 years of age or older who commits an offense under  
23 G.S. 90-95(a)(1) on property used for an elementary or secondary  
24 school or within 300 feet of the boundary of real property used for an  
25 elementary or secondary school shall be punished as a Class E felon.  
26 For purposes of this subdivision, the transfer of less than five grams of  
27 marijuana for no remuneration shall not constitute a delivery in  
28 violation of G.S. 90-95(a)(1).

29 (9) Any person who violates G.S. 90-95(a)(3) on the premises of a penal  
30 institution or local confinement facility shall be guilty of a Class ~~F~~G  
31 felony.

32 (f) Any person convicted of an offense or offenses under this Article who is  
33 sentenced to an active term of imprisonment that is less than the maximum active term  
34 that could have been imposed may, in addition, be sentenced to a term of special  
35 probation. Except as indicated in this subsection, the administration of special probation  
36 shall be the same as probation. The conditions of special probation shall be fixed in the  
37 same manner as probation, and the conditions may include requirements for  
38 rehabilitation treatment. Special probation shall follow the active sentence. No term of  
39 special probation shall exceed five years. Special probation may be revoked in the same  
40 manner as probation; upon revocation, the original term of imprisonment may be  
41 increased by no more than the difference between the active term of imprisonment  
42 actually served and the maximum active term that could have been imposed at trial for  
43 the offense or offenses for which the person was convicted, and the resulting term of  
44 imprisonment need not be diminished by the time spent on special probation.

1 (g) Whenever matter is submitted to the North Carolina State Bureau of  
2 Investigation Laboratory, the Charlotte, North Carolina, Police Department Laboratory  
3 or to the Toxicology Laboratory, Reynolds Health Center, Winston-Salem for chemical  
4 analysis to determine if the matter is or contains a controlled substance, the report of  
5 that analysis certified to upon a form approved by the Attorney General by the person  
6 performing the analysis shall be admissible without further authentication in all  
7 proceedings in the district court division of the General Court of Justice as evidence of  
8 the identity, nature, and quantity of the matter analyzed.

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

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

15 a. Is in excess of ~~50 pounds~~, one pound but less than ~~100-10~~  
16 pounds, such person shall be punished as a Class H felon and  
17 shall be sentenced to a minimum term of 25 months and a  
18 maximum term of 30 months in the State's prison and shall be  
19 fined not less than five thousand dollars (\$5,000);

20 b. Is ~~100-10~~ pounds or more, but less than ~~2,000-200~~ pounds, such  
21 person shall be punished as a Class G felon and shall be  
22 sentenced to a minimum term of 35 months and a maximum  
23 term of 42 months in the State's prison and shall be fined not  
24 less than twenty-five thousand dollars (\$25,000);

25 c. Is ~~2,000-200~~ pounds or more, but less than ~~10,000-1,000~~  
26 pounds, such person shall be punished as a Class F felon and  
27 shall be sentenced to a minimum term of 70 months and a  
28 maximum term of 84 months in the State's prison and shall be  
29 fined not less than fifty thousand dollars (\$50,000);

30 d. Is ~~10,000-1,000~~ pounds or more, such person shall be punished  
31 as a Class D felon and shall be sentenced to a minimum term of  
32 175 months and a maximum term of 219 months in the State's  
33 prison and shall be fined not less than two hundred thousand  
34 dollars (\$200,000).

35 (2) Any person who sells, manufactures, delivers, transports, or possesses  
36 1,000 tablets, capsules or other dosage units, or the equivalent  
37 quantity, or more of methaqualone, or any mixture containing such  
38 substance, shall be guilty of a felony which felony shall be known as  
39 'trafficking in methaqualone' and if the quantity of such substance or  
40 mixture involved:

41 a. Is 1,000 or more dosage units, or equivalent quantity, but less  
42 than 5,000 dosage units, or equivalent quantity, such person  
43 shall be punished as a Class G felon and shall be sentenced to a  
44 minimum term of 35 months and a maximum term of 42

- 1 months in the State's prison and shall be fined not less than  
2 twenty-five thousand dollars (\$25,000);
- 3 b. Is 5,000 or more dosage units, or equivalent quantity, but less  
4 than 10,000 dosage units, or equivalent quantity, such person  
5 shall be punished as a Class F felon and shall be sentenced to a  
6 minimum term of 70 months and a maximum term of 84  
7 months in the State's prison and shall be fined not less than fifty  
8 thousand dollars (\$50,000);
- 9 c. Is 10,000 or more dosage units, or equivalent quantity, such  
10 person shall, be punished as a Class D felon and shall be  
11 sentenced to a minimum term of 175 months and a maximum  
12 term of 219 months in the State's prison and shall be fined not  
13 less than two hundred thousand dollars (\$200,000).
- 14 (3) Any person who sells, manufactures, delivers, transports, or possesses  
15 28 grams or more of cocaine and any salt, isomer, salts of isomers,  
16 compound, derivative, or preparation thereof, or any coca leaves and  
17 any salt, isomer, salts of isomers, compound, derivative, or preparation  
18 of coca leaves, and any salt, isomer, salts of isomers, compound,  
19 derivative or preparation thereof which is chemically equivalent or  
20 identical with any of these substances (except decocainized coca  
21 leaves or any extraction of coca leaves which does not contain  
22 cocaine) or any mixture containing such substances, shall be guilty of  
23 a felony, which felony shall be known as 'trafficking in cocaine' and if  
24 the quantity of such substance or mixture involved:
- 25 a. Is 28 grams or more, but less than 200 grams, such person shall  
26 be punished as a Class G felon and shall be sentenced to a  
27 minimum term of ~~35-70~~ months and a maximum term of ~~42-84~~  
28 months in the State's prison and shall be fined not less than fifty  
29 thousand dollars (\$50,000);
- 30 b. Is 200 grams or more, but less than 400 grams, such person  
31 shall be punished as a Class F felon and shall be sentenced to a  
32 minimum term of ~~70-140~~ months and a maximum term of ~~84~~  
33 ~~168~~ months in the State's prison and shall be fined not less than  
34 one hundred thousand dollars (\$100,000);
- 35 c. Is 400 grams or more, such person shall be punished as a Class  
36 D felon and shall be sentenced to a minimum term of ~~175-350~~  
37 months and a maximum term of ~~219-400~~ months in the State's  
38 prison and shall be fined at least two hundred fifty thousand  
39 dollars (\$250,000).
- 40 (3a) Any person who sells, manufactures, delivers, transports, or possesses  
41 1,000 tablets, capsules or other dosage units, or the equivalent  
42 quantity, or more of amphetamine, its salts, optical isomers, and salts  
43 of its optical isomers or any mixture containing such substance, shall  
44 be guilty of a felony which felony shall be known as 'trafficking in

1 amphetamine' and if the quantity of such substance or mixture  
2 involved:

- 3 a. Is 1,000 or more dosage units, or equivalent quantity, but less  
4 than 5,000 dosage units, or equivalent quantity, such person  
5 shall be punished as a Class G felon and shall be sentenced to a  
6 minimum term of 35 months and a maximum term of 42  
7 months in the State's prison and shall be fined not less than  
8 twenty-five thousand dollars (\$25,000);
- 9 b. Is 5,000 or more dosage units, or equivalent quantity, but less  
10 than 10,000 dosage units, or equivalent quantity, such person  
11 shall 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  
13 months in the State's prison and shall be fined not less than fifty  
14 thousand dollars (\$50,000);
- 15 c. Is 10,000 or more dosage units, or equivalent quantity, such  
16 person shall be punished as a Class D felon and shall be  
17 sentenced to a minimum term of 175 months and a maximum  
18 term of 219 months in the State's prison and shall be fined not  
19 less than two hundred thousand dollars (\$200,000).

20 (3b) Any person who sells, manufactures, delivers, transports, or possesses  
21 28 grams or more of methamphetamine shall be guilty of a felony  
22 which felony shall be known as 'trafficking in methamphetamine' and  
23 if the quantity of such substance or mixture involved:

- 24 a. Is 28 grams or more, but less than 200 grams, such person shall  
25 be punished as a Class G felon and shall be sentenced to a  
26 minimum term of 35 months and a maximum term of 42  
27 months in the State's prison and shall be fined not less than fifty  
28 thousand dollars (\$50,000);
- 29 b. Is 200 grams or more, but less than 400 grams, such person  
30 shall be punished as a Class F felon and shall be sentenced to a  
31 minimum term of 70 months and a maximum term of 84  
32 months in the State's prison and shall be fined not less than one  
33 hundred thousand dollars (\$100,000);
- 34 c. Is 400 grams or more, such person shall be punished as a Class  
35 D felon and shall be sentenced to a minimum term of 175  
36 months and a maximum term of 219 months in the State's  
37 prison and shall be fined at least two hundred fifty thousand  
38 dollars (\$250,000).

39 (4) Any person who sells, manufactures, delivers, transports, or possesses  
40 four grams or more of opium or opiate, or any salt, compound,  
41 derivative, or preparation of opium or opiate (except apomorphine,  
42 nalbuphine, analoxone and naltrexone and their respective salts),  
43 including heroin, or any mixture containing such substance, shall be  
44 guilty of a felony which felony shall be known as 'trafficking in opium

1 or heroin' and if the quantity of such controlled substance or mixture  
2 involved:

- 3 a. Is four grams or more, but less than 14 grams, such person shall  
4 be punished as a Class F felon and shall be sentenced to a  
5 minimum term of 70 months and a maximum term of 84  
6 months in the State's prison and shall be fined not less than fifty  
7 thousand dollars (\$50,000);  
8 b. Is 14 grams or more, but less than 28 grams, such person shall  
9 be punished as a Class E felon and shall be sentenced to a  
10 minimum term of 90 months and a maximum term of 117  
11 months in the State's prison and shall be fined not less than one  
12 hundred thousand dollars (\$100,000);  
13 c. Is 28 grams or more, such person shall be punished as a Class C  
14 felon and shall be sentenced to a minimum term of 225 months  
15 and a maximum term of 279 months in the State's prison and  
16 shall be fined not less than five hundred thousand dollars  
17 (\$500,000).

18 (4a) Any person who sells, manufactures, delivers, transports, or possesses  
19 100 tablets, capsules, or other dosage units, or the equivalent quantity,  
20 or more, of Lysergic Acid Diethylamide, or any mixture containing  
21 such substance, shall be guilty of a felony, which felony shall be  
22 known as 'trafficking in Lysergic Acid Diethylamide'. If the quantity  
23 of such substance or mixture involved:

- 24 a. Is 100 or more dosage units, or equivalent quantity, but less  
25 than 500 dosage units, or equivalent quantity, such person shall  
26 be punished as a Class G felon and shall be sentenced to a  
27 minimum term of 35 months and a maximum term of 42  
28 months in the State's prison and shall be fined not less than  
29 twenty-five thousand dollars (\$25,000);  
30 b. Is 500 or more dosage units, or equivalent quantity, but less  
31 than 1,000 dosage units, or equivalent quantity, such person  
32 shall be punished as a Class F felon and shall be sentenced to a  
33 minimum term of 70 months and a maximum term of 84  
34 months in the State's prison and shall be fined not less than fifty  
35 thousand dollars (\$50,000);  
36 c. Is 1,000 or more dosage units, or equivalent quantity, such  
37 person shall be punished as a Class D felon and shall be  
38 sentenced to a minimum term of 175 months and a maximum  
39 term of 219 months in the State's prison and shall be fined not  
40 less than two hundred thousand dollars (\$200,000).

41 (5) Except as provided in this subdivision, a person being sentenced under  
42 this subsection may not receive a suspended sentence or be placed on  
43 probation. The sentencing judge may reduce the fine, or impose a  
44 prison term less than the applicable minimum prison term provided by



1 this subsection, or suspend the prison term imposed and place a person  
2 on probation when such person has, to the best of his knowledge,  
3 provided substantial assistance in the identification, arrest, or  
4 conviction of any accomplices, accessories, co-conspirators, or  
5 principals if the sentencing judge enters in the record a finding that the  
6 person to be sentenced has rendered such substantial assistance.

7 (6) Sentences imposed pursuant to this subsection shall run consecutively  
8 with and shall commence at the expiration of any sentence being  
9 served by the person sentenced hereunder.

10 (i) The penalties provided in subsection (h) of this section shall also apply to any  
11 person who is convicted of conspiracy to commit any of the offenses described in  
12 subsection (h) of this section."

13 Sec. 2. Chapter 90 of the General Statutes is amended by adding a new  
14 Article to read:

15 "ARTICLE 5.1.

16 "Drug Dealer Felons.

17 **"§ 90-95.6. Persons defined as drug dealer felon.**

18 (a) Any person who has been convicted of a drug dealer felony in any federal  
19 court, or in a court of this or any other state of the United States, is declared to be a drug  
20 dealer felon. For purposes of this Article, 'convicted' means the person has been  
21 adjudged guilty of or has entered a plea of guilty or no contest to the drug dealer charge,  
22 and judgment has been entered thereon when such action occurred on or after July 6,  
23 1967. Any felony to which a pardon has been extended shall not, for the purposes of this  
24 Article, constitute a felony. The burden of proving a pardon shall rest with the  
25 defendant, and this State shall not be required to disprove a pardon.

26 (b) For purposes of this Article, 'drug dealer felony' includes the following  
27 offenses:

28 (1) Manufacture, sell, or deliver, or possession with intent to manufacture,  
29 sell, or deliver a controlled substance.

30 (2) Any trafficking offenses listed in G.S. 90-95(h).

31 (3) Create, sell, or deliver, or possess with intent to sell or deliver a  
32 counterfeit controlled substance.

33 (4) Any conspiracy or attempt to commit the offenses listed in subdivision  
34 (1), (2), or (3).

35 (5) Any repealed or superseded offense substantially equivalent to the  
36 offense listed in subdivision (1), (2), (3), or (4).

37 (6) Any offense committed in another jurisdiction substantially equivalent  
38 to the offenses set forth in subdivision (1), (2), (3), (4), or (5).

39 **"§ 90-95.7. Punishment.**

40 When a person is charged by indictment with the commission of a drug dealer felony  
41 and is also charged with being a drug dealer felon as defined in G.S. 90-95.6(a), the  
42 person must, upon conviction, be sentenced in accordance with this Article (unless some  
43 other statute provides for greater punishment). In order for the punishment and  
44 sentencing provisions of this Article to apply, the date of offense for the principal drug

1 dealer felony must occur after the conviction of the prior drug dealer felony which  
2 creates the status as drug dealer felon.

3 **"§ 90-95.8. Charge of drug dealer felon.**

4 An indictment that charges a person who is a drug dealer felon within the meaning  
5 of G.S. 90-95.6(a) with the commission of any drug dealer felony must, in order to  
6 sustain a conviction of drug dealer felon, also charge that the person is a drug dealer  
7 felon. The indictment charging the defendant as a drug dealer felon shall be separate  
8 from the indictment charging the defendant with the principal drug dealer felony. An  
9 indictment that charges a person with being a drug dealer felon must set forth the date  
10 that the prior drug dealer felony was committed, the name of the state or other sovereign  
11 against whom the drug dealer felony was committed, the date of conviction of the drug  
12 dealer felony, and the identity of the court in which the conviction took place. A  
13 defendant charged with being a drug dealer felon in a bill of indictment shall not be  
14 required to go to trial on that charge within 20 days after the finding of a true bill by the  
15 grand jury unless the defendant waives this 20-day period.

16 **"§ 90-95.9. Evidence of a prior conviction of a drug dealer felony.**

17 In all cases where a person is charged under this Article with being a drug dealer  
18 felon, the record of a prior conviction of a drug dealer felon shall be admissible in  
19 evidence, but only for the purpose of proving that the person has been convicted of a  
20 former drug dealer felony. A prior conviction may be proved by stipulation of the  
21 parties or by the original or a certified copy of the court record of the prior conviction.  
22 The original or certified copy of the court record, bearing the same name as that by  
23 which the defendant is charged, shall be prima facie evidence that the defendant named  
24 therein is the same as the defendant before the court, and shall be prima facie evidence  
25 of the facts set out therein.

26 **"§ 90-95.10. Verdict and judgment.**

27 When an indictment charges a drug dealer felon with a drug dealer felony as  
28 provided in this Article and an indictment also charges that the person is a drug dealer  
29 felon as provided in this Article, the defendant shall be tried for the principal drug  
30 dealer felony as provided by law. The indictment that the person is a drug dealer felon  
31 shall not be revealed to the jury unless the jury finds the defendant guilty of the  
32 principal drug dealer felony or another drug dealer felony with which the defendant is  
33 charged. If the jury finds the defendant guilty of a drug dealer felony, the bill of  
34 indictment charging the defendant as a drug dealer felon may be presented to the same  
35 jury. Except that the same jury may be used, the proceedings shall be as if the issue of a  
36 drug dealer felon were a principal charge. If the jury finds that the defendant is a drug  
37 dealer felon, the trial judge shall enter judgment according to the provisions of this  
38 Article. If the jury finds that the defendant is not a drug dealer felon, the trial judge shall  
39 pronounce judgment on the principal drug dealer felony or felonies as provided by law.

40 **"§ 90-95.11. Sentencing of drug dealer felons.**

41 A person who is convicted of a drug dealer felony and of being a drug dealer felon  
42 must, upon conviction, be sentenced as a Class B2 felon (unless other drug dealer felony  
43 statutes provide for greater punishment). In determining the prior record level,  
44 convictions used to establish a person's status as a drug dealer felony shall not be used.

1 Sentences for drug dealer felonies imposed under this Article shall run consecutively  
2 with and shall commence at the expiration of any other sentence being served by the  
3 person."

4           Sec. 3. This act becomes effective December 1, 1996, and applies to offenses  
5 committed on or after that date.