

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 625

Short Title: Change Marijuana Trafficking Amounts.

(Public)

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Sponsors: Senators Ballantine, Kerr, Carrington, Blackmon, Clark, Shaw, Foxx, McKoy, Ledbetter, McDaniel, Kincaid, Forrester, Little, East, Davis, Webster, Carpenter, Hartsell, Allran, Simpson, Cochrane, Page, Sherron, Albertson, Odom, and Conder.

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Referred to: Judiciary I/Constitution

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April 10, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON WHO SELLS, MANUFACTURES,  
2 DELIVERS, TRANSPORTS, OR POSSESSES TEN POUNDS OR MORE OF  
3 MARIJUANA IS GUILTY OF TRAFFICKING IN MARIJUANA.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 90-95(h) reads as rewritten:

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

9 (1) Any person who sells, manufactures, delivers, transports, or possesses ~~in~~  
10 ~~excess of 50-10~~ pounds (avoirdupois) or more of marijuana shall be  
11 guilty of a felony which felony shall be known as 'trafficking in  
12 marijuana' and if the quantity of such substance involved:

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

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

1 derivative or preparation thereof which is chemically equivalent or  
2 identical with any of these substances (except decocainized coca leaves  
3 or any extraction of coca leaves which does not contain cocaine) or any  
4 mixture containing such substances, shall be guilty of a felony, which  
5 felony shall be known as 'trafficking in cocaine' and if the quantity of  
6 such substance or mixture involved:

- 7 a. Is 28 grams or more, but less than 200 grams, such person shall  
8 be punished as a Class G felon and shall be sentenced to a  
9 minimum term of 35 months and a maximum term of 42 months  
10 in the State's prison and shall be fined not less than fifty thousand  
11 dollars (\$50,000);  
12 b. Is 200 grams or more, but less than 400 grams, such person shall  
13 be punished as a Class F felon and shall be sentenced to a  
14 minimum term of 70 months and a maximum term of 84 months  
15 in the State's prison and shall be fined not less than one hundred  
16 thousand dollars (\$100,000);  
17 c. Is 400 grams or more, such person shall be punished as a Class D  
18 felon and shall be sentenced to a minimum term of 175 months  
19 and a maximum term of 219 months in the State's prison and  
20 shall be fined at least two hundred fifty thousand dollars  
21 (\$250,000).

- 22 (3a) Any person who sells, manufactures, delivers, transports, or possesses  
23 1,000 tablets, capsules or other dosage units, or the equivalent quantity,  
24 or more of amphetamine, its salts, optical isomers, and salts of its  
25 optical isomers or any mixture containing such substance, shall be  
26 guilty of a felony which felony shall be known as 'trafficking in  
27 amphetamine' and if the quantity of such substance or mixture involved:  
28 a. Is 1,000 or more dosage units, or equivalent quantity, but less  
29 than 5,000 dosage units, or equivalent quantity, such person shall  
30 be punished as a Class G felon and shall be sentenced to a  
31 minimum term of 35 months and a maximum term of 42 months  
32 in the State's prison and shall be fined not less than twenty-five  
33 thousand dollars (\$25,000);  
34 b. Is 5,000 or more dosage units, or equivalent quantity, but less  
35 than 10,000 dosage units, or equivalent quantity, such person  
36 shall be punished as a Class F felon and shall be sentenced to a  
37 minimum term of 70 months and a maximum term of 84 months  
38 in the State's prison and shall be fined not less than fifty thousand  
39 dollars (\$50,000);  
40 c. Is 10,000 or more dosage units, or equivalent quantity, such  
41 person shall be punished as a Class D felon and shall be  
42 sentenced to a minimum term of 175 months and a maximum

- 1 term of 219 months in the State's prison and shall be fined not  
2 less than two hundred thousand dollars (\$200,000).
- 3 (3b) Any person who sells, manufactures, delivers, transports, or possesses  
4 28 grams or more of methamphetamine shall be guilty of a felony which  
5 felony shall be known as 'trafficking in methamphetamine' and if the  
6 quantity of such substance or mixture involved:
- 7 a. Is 28 grams or more, but less than 200 grams, such person shall  
8 be punished as a Class G felon and shall be sentenced to a  
9 minimum term of 35 months and a maximum term of 42 months  
10 in the State's prison and shall be fined not less than fifty thousand  
11 dollars (\$50,000);
- 12 b. Is 200 grams or more, but less than 400 grams, such person shall  
13 be punished as a Class F felon and shall be sentenced to a  
14 minimum term of 70 months and a maximum term of 84 months  
15 in the State's prison and shall be fined not less than one hundred  
16 thousand dollars (\$100,000);
- 17 c. Is 400 grams or more, such person shall be punished as a Class D  
18 felon and shall be sentenced to a minimum term of 175 months  
19 and a maximum term of 219 months in the State's prison and  
20 shall be fined at least two hundred fifty thousand dollars  
21 (\$250,000).
- 22 (4) Any person who sells, manufactures, delivers, transports, or possesses  
23 four grams or more of opium or opiate, or any salt, compound,  
24 derivative, or preparation of opium or opiate (except apomorphine,  
25 nalbuphine, analoxone and naltrexone and their respective salts),  
26 including heroin, or any mixture containing such substance, shall be  
27 guilty of a felony which felony shall be known as 'trafficking in opium  
28 or heroin' and if the quantity of such controlled substance or mixture  
29 involved:
- 30 a. Is four grams or more, but less than 14 grams, such person shall  
31 be punished as a Class F felon and shall be sentenced to a  
32 minimum term of 70 months and a maximum term of 84 months  
33 in the State's prison and shall be fined not less than fifty thousand  
34 dollars (\$50,000);
- 35 b. Is 14 grams or more, but less than 28 grams, such person shall be  
36 punished as a Class E felon and shall be sentenced to a minimum  
37 term of 90 months and a maximum term of 117 months in the  
38 State's prison and shall be fined not less than one hundred  
39 thousand dollars (\$100,000);
- 40 c. Is 28 grams or more, such person shall be punished as a Class C  
41 felon and shall be sentenced to a minimum term of 225 months  
42 and a maximum term of 279 months in the State's prison and

1 shall be fined not less than five hundred thousand dollars  
2 (\$500,000).

3 (4a) Any person who sells, manufactures, delivers, transports, or  
4 possesses 100 tablets, capsules, or other dosage units, or the  
5 equivalent quantity, or more, of Lysergic Acid Diethylamide, or any  
6 mixture containing such substance, shall be guilty of a felony, which  
7 felony shall be known as 'trafficking in Lysergic Acid Diethylamide'.  
8 If the quantity of such substance or mixture involved:

- 9 a. Is 100 or more dosage units, or equivalent quantity, but less than  
10 500 dosage units, or equivalent quantity, such person shall be  
11 punished as a Class G felon and shall be sentenced to a minimum  
12 term of 35 months and a maximum term of 42 months in the  
13 State's prison and shall be fined not less than twenty-five  
14 thousand dollars (\$25,000);
- 15 b. Is 500 or more dosage units, or equivalent quantity, but less than  
16 1,000 dosage units, or equivalent quantity, such person shall be  
17 punished as a Class F felon and shall be sentenced to a minimum  
18 term of 70 months and a maximum term of 84 months in the  
19 State's prison and shall be fined not less than fifty thousand  
20 dollars (\$50,000);
- 21 c. Is 1,000 or more dosage units, or equivalent quantity, such  
22 person shall be punished as a Class D felon and shall be  
23 sentenced to a minimum term of 175 months and a maximum  
24 term of 219 months in the State's prison and shall be fined not  
25 less than two hundred thousand dollars (\$200,000).

26 (5) Except as provided in this subdivision, a person being sentenced under  
27 this subsection may not receive a suspended sentence or be placed on  
28 probation. The sentencing judge may reduce the fine, or impose a  
29 prison term less than the applicable minimum prison term provided by  
30 this subsection, or suspend the prison term imposed and place a person  
31 on probation when such person has, to the best of his knowledge,  
32 provided substantial assistance in the identification, arrest, or conviction  
33 of any accomplices, accessories, co-conspirators, or principals if the  
34 sentencing judge enters in the record a finding that the person to be  
35 sentenced has rendered such substantial assistance.

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

39 Sec. 2. This act becomes effective December 1, 1995, and applies to offenses  
40 committed on or after that date.