

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 856

Short Title: Increase Some Felony Penalties.

(Public)

Sponsors: Senators Albertson, Warren, Hoyle, Martin of Pitt, Dannelly, Perdue, Davis, East, and Webster.

Referred to: Judiciary I/Constitution

April 26, 1995

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTIES FOR VOLUNTARY MANSLAUGHTER, POSSESSION OF A CONTROLLED SUBSTANCE IN A CONFINEMENT FACILITY AND POSSESSION WITH INTENT TO SELL AND DELIVER MARIJUANA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-18 reads as rewritten:

"§ 14-18. Punishment for manslaughter.

Voluntary manslaughter shall be punishable as a Class ~~E-D~~ felony, and involuntary manslaughter shall be punishable as a Class F felony."

Sec. 2. G.S. 90-95(e)(9) reads as rewritten:

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

Sec. 3. G.S. 90-95(h)(1) reads as rewritten:

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

- 1 a. Is in excess of ~~50~~10 pounds, but less than 100 pounds, such
2 person shall be punished as a Class H felon and shall be
3 sentenced to a minimum term of 25 months and a maximum term
4 of 30 months in the State's prison and shall be fined not less than
5 five thousand dollars (\$5,000);
- 6 b. Is 100 pounds or more, but less than 2,000 pounds, such person
7 shall be punished as a Class G felon and shall be sentenced to a
8 minimum term of 35 months and a maximum term of 42 months
9 in the State's prison and shall be fined not less than twenty-five
10 thousand dollars (\$25,000);
- 11 c. Is 2,000 pounds or more, but less than 10,000 pounds, such
12 person shall be punished as a Class F felon and shall be
13 sentenced to a minimum term of 70 months and a maximum term
14 of 84 months in the State's prison and shall be fined not less than
15 fifty thousand dollars (\$50,000);
- 16 d. Is 10,000 pounds or more, such person shall be punished as a
17 Class D felon and shall be sentenced to a minimum term of 175
18 months and a maximum term of 219 months in the State's prison
19 and shall be fined not less than two hundred thousand dollars
20 (\$200,000)."

21 Sec. 4. This act becomes effective December 1, 1995, and applies to offenses
22 committed on or after that date.