

March 6, 2003

H 241. AMEND DRUG TRAFFICKING LAWS. TO AMEND THE DRUG TRAFFICKING LAWS, AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION. (1) Deletes minimum and maximum imprisonment terms stated in GS 90-95(h) (drug trafficking) and provides that sentences imposed pursuant to that provision may not be suspended and must include a minimum and maximum term of imprisonment that is consistent with the offense class and the offender's prior record level. (2) Reduces the amount of marijuana that triggers application of the trafficking in marijuana offense from in excess of 10 pounds to in excess of 5 pounds. (3) Modifies the punishments for trafficking in marijuana, classifying the following drug quantities with the following felony classes: more than 5 pounds to less than 50 pounds: Class F felony; more than 50 pounds but less than 500 pounds: Class E felony; more than 500 pounds but less than 5,000 pounds: Class D felony; and 5,000 pounds or more: Class B2 felony. (4) Modifies the punishments for trafficking in methaqualone, classifying the following drug quantities with the following felony classes: 1,000 dosage units or more but less than 5,000 dosage units: Class E felony; 5,000 dosage units or more but less than 10,000 dosage units: Class D felony; and 10,000 or more dosage units: Class B2 felony. (5) Modifies the punishments for trafficking in cocaine, classifying the following drug quantities with the following felony classes: 28 grams or more but less than 200 grams: Class E felony; 200 grams or more but less than 400 grams: Class D felony; and 400 grams or more: Class B2 felony. (6) Modifies the punishments for trafficking in methamphetamine or amphetamine, classifying the following drug quantities with the following felony classes: 28 grams or more but less than 200 grams: Class D felony; 200 grams or more but less than 400 grams: Class C felony; 400 grams or more: Class B1 felony. (7) Modifies the punishments for trafficking in opium, classifying the following drug quantities with the following felony classes: 4 grams or more but less than 14 grams: Class D felony; 14 grams or more but less than 28 grams: Class C felony; and 28 grams or more: Class B1 felony. (8) Modifies the punishments for trafficking in Lysergic Acid Diethylamide, classifying the following drug quantities with the following felony classes: 100 dosage units or more but less than 500 dosage units: Class E felony; 500 dosage units or more but less than 1,000 dosage units: Class D felony; and 1,000 or more dosage units: Class B2 felony. (9) Modifies the punishments for MDA and MDMA, classifying the following drug quantities with the following felony classes: 100 dosage units or more but less than 500 dosage units or 28 grams or more but less than 200 grams: Class E felony; 500 dosage units or more but less than 1,000 dosage units or 200 grams or more but less than 400 grams: Class D felony; and 1,000 or more dosage units or 400 grams or more: Class B2 felony. (10) Amends GS 90-95(i) to provide that the penalties provided in GS 90-95(h) for drug trafficking apply to attempted drug trafficking. (11) Effective December 1, 2003 and applies to offenses committed on or after that date.

Intro. by Haire.

Ref. to Judiciary IV	GS 90
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