

May 12, 2004

**S 1054. INCREASE METHAMPHETAMINE PENALTIES.** *TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE.* Amends GS 14-17, 15A-1340.16(d), 90-95(d1), and 90-95(d2) and adds new GS 90-95(b)(1a) as title indicates. Provides that the manufacture of methamphetamine shall be punishable as a Class C felony, except that the offense of packaging or labeling shall be punishable as a Class H felony. Increases the penalty for possession or distribution of a precursor substance for methamphetamine with the intent to manufacture from a Class H to a Class F felony. Applies to offenses committed on or after Dec. 1, 2004.

**Intro. by Dalton, Nesbitt, Queen, Thomas.**

Ref. to Judiciary II

GS 14, 90

May 27, 2004

**S 1054. INCREASE METHAMPHETAMINE PENALTIES.** Intro. 5/12/04. Senate committee substitute makes the following changes to 1st edition. Rewrites title of bill to read *TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, AND TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE.* Adds new GS 130A-284, effective Jan. 1, 2005, to require decontamination standards described in title.

July 6, 2004

**S 1054. INCREASE METHAMPHETAMINE PENALTIES.** Intro. 5/12/04. Senate amendment makes the following changes to 2nd edition and amends title. Creates a new GS 15A-1340.16D providing for an enhanced 60-month sentence if the defendant is convicted of manufacture of methamphetamine and the offense resulted in serious injury to a law enforcement officer, probation officer, parole officer, emergency medical services employee, or a firefighter. The relevant facts must be alleged in the indictment or information and proved beyond a reasonable doubt during the trial on the drug offense, unless the defendant pleads guilty or no contest to the issue. If the defendant pleads guilty or no contest to the drug offense but not guilty to the enhancement, a jury shall be empanelled to hear the enhancement. The enhancement does not apply if the drug offense is packaging or repackaging methamphetamine or labeling or relabeling the methamphetamine container. New section is effective December 1, 2004 and applies to offenses committed on or after that date.

July 9, 2004

**S 1054. INCREASE METHAMPHETAMINE PENALTIES.** Intro. 5/12/04. House committee substitute makes the following changes to 3rd edition. Enacts new GS 90-95(d1a) making it a Class F felony for any person to possess an immediate precursor chemical with intent to manufacture methamphetamine or to possess or distribute an immediate precursor chemical knowing or having reasonable cause to believe that the chemical will be used to manufacture methamphetamine. Amends GS 15A-1340.16D(a) (enhanced sentence if offense resulted in serious injury to certain law enforcement or emergency services personnel) to clarify that the

injury must be directly caused by one of the hazards associated with methamphetamine. Further amends subsection to decrease the minimum term of imprisonment for offense to 24 months (was, 60 months). Enacts new GS Ch. 114, Art. 7, providing immunity from civil and criminal liability for certain good faith actions of a person participating in a methamphetamine watch program. Makes technical changes.

August 6, 2004

**SL 2004-178 (S 1054). INCREASE METHAMPHETAMINE PENALTIES.** *AN ACT TO PROVIDE THAT THE UNLAWFUL DISTRIBUTION OF METHAMPHETAMINE THAT PROXIMATELY RESULTS IN THE DEATH OF A PERSON IS SECOND DEGREE MURDER, TO MAKE IT AN AGGRAVATING FACTOR TO MANUFACTURE METHAMPHETAMINE IN A LOCATION THAT ENDANGERS A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE, AND TO INCREASE THE CRIMINAL PENALTY FOR THE POSSESSION OF PRECURSOR SUBSTANCES FOR METHAMPHETAMINE, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, TO REQUIRE THE COMMISSION FOR HEALTH SERVICES TO ESTABLISH DECONTAMINATION STANDARDS FOR PROPERTY USED FOR THE MANUFACTURE OF METHAMPHETAMINE, TO IMPOSE AN ENHANCED SENTENCE FOR CONVICTION OF MANUFACTURE OF METHAMPHETAMINE IF THE OFFENSE RESULTS IN SERIOUS INJURY TO A LAW ENFORCEMENT OFFICER, PROBATION OR PAROLE OFFICER, EMS EMPLOYEE, OR FIREFIGHTER AND TO PROVIDE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR CERTAIN GOOD FAITH ACTIONS OF A PERSON PARTICIPATING IN A METHAMPHETAMINE WATCH PROGRAM.* Summarized in *Daily Bulletin* 5/12/04, 5/27/04, 7/6/04, and 7/9/04. Enacted August 3, 2004. Section 7 of this act is effective January 1, 2005. Section 9 is effective August 3, 2004. The remainder of this act is effective December 1, 2004.