

April 9, 2009

**H 1362. CHANGE LAW ON DRUG TRAFFICKING CONVICTIONS.** Filed 4/8/09. *TO AMEND THE LAW REGARDING THE SENTENCE THAT MAY BE IMPOSED ON CERTAIN PERSONS CONVICTED OF A DRUG TRAFFICKING OFFENSE.*

Amends GS 90-95(h)(5) to permit a judge who is sentencing a person convicted of a drug trafficking offence to reduce the fine, impose a prison term less than the applicable term provided in subsection (h) or suspend the prison term and place the person on probation when the judge finds either (1) that the person has provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals (this is the only justification for a reduced sentence under current law) or (2) that (a) the person has no prior convictions for crimes that produced or threatened serious bodily harm, (b) the person has no prior felony drug trafficking convictions, and (c) the sentencing judge finds by a preponderance of the evidence that the person did not possess a firearm during the commission of the offense.

Allows a person convicted under GS 90-95(h)(5) before December 1, 2009, to petition the sentencing court for a change in the person's sentence. Effective December 1, 2009.

**Intro. by Blue.**

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