

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1330\*

Short Title: Drug Free Schools.

(Public)

Sponsors: Representatives Hurley, Rhyne; and Decker.

Referred to: Judiciary.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN PENALTIES FOR THE MANUFACTURE, SALE,  
DELIVERY, OR POSSESSION OF A CONTROLLED SUBSTANCE WITHIN  
ONE THOUSAND FEET OF SCHOOL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. Article 5 of Chapter 90 of the General Statutes is amended by adding a new section to read:

**"§ 90-95.01. Controlled substances on school property.**

(a) Notwithstanding any other provision of law, the following provisions apply to a person who violates G.S. 90-95(a) when he is in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school, or a public or private college or university, or on or about any school or activity bus or vehicle transporting students to or from any such institution.

(1) If the person is a juvenile, he shall be placed on supervised probation for one year, shall be required to perform 20 hours of public service in a home or institution for the elderly or a home or institution for mentally handicapped children. For a second or subsequent offense under this section, the person shall be remanded to the Division of Youth Services for not less than six months and not more than one year, and shall be tested and treated for substance abuse.

(2) If the person is 16 or 17 years old, he shall be punished as a Class J felon. A person punishable under this subdivision shall be placed on supervised probation for two years, shall be required to perform 40 hours of public service in a home or institution for the elderly or in a

1 home or institution for mentally handicapped children and shall be  
2 fined five hundred dollars (\$500.00). For a second or subsequent  
3 offense under this section, the person shall be fined one thousand  
4 dollars (\$1,000), sentenced to a term of at least two years in the State's  
5 prison, and classified as a youthful offender. This sentence may not be  
6 reduced by gain time, good time, or parole.

7 (3) If the person is 18 years old or older, he shall be punished as a Class E  
8 felon. A person punishable under this subdivision shall be fined five  
9 thousand dollars (\$5,000) and shall be sentenced to at least 10 years in  
10 the State's prison system. For a second or subsequent offense under  
11 this section, the person shall be fined ten thousand dollars (\$10,000)  
12 and shall be sentenced to at least 28 years in the State's prison system.  
13 Sentences imposed under this subsection may not be reduced by gain  
14 time, good time, or parole. A person punishable under this subdivision  
15 who is less than 21 years old shall be classified as a youthful offender.

16 (b) For purposes of increasing punishment, previous convictions for offenses  
17 shall be counted by the number of separate trials at which final convictions were  
18 obtained and not by the number of charges at a single trial.

19 (c) A person charged with an offense under this section may not plead guilty to  
20 any lesser offense unless in the opinion of the district attorney the person could not be  
21 convicted of the offense charged.

22 (d) All fines collected pursuant to this section shall be forwarded by the Court as  
23 soon as practicable to the finance officer of the county in which the offender was  
24 sentenced and shall be made available to the local board of education to fund drug  
25 prevention education programs in the school system."

26 Sec. 2. This act shall become effective October 1, 1989, and shall apply to  
27 offenses occurring on or after that date.