

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 470

Short Title: Marijuana User Accountability.

(Public)

Sponsors: Representative Privette.

Referred to: Judiciary III.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE SANCTIONS FOR A CONVICTION OF
SUBSEQUENT POSSESSIONS OF ONE OUNCE OR LESS OF MARIJUANA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(d) reads as rewritten:

"(d) Except as provided in subsections (h) and (i) of this section, any person who
violates G.S. 90-95(a)(3) with respect to:

(1) A controlled substance classified in Schedule I shall be punished as a
Class I felon;

(2) A controlled substance classified in Schedule II, III, or IV shall be
guilty of a misdemeanor and shall be sentenced to a term of
imprisonment of not more than two years or fined not more than two
thousand dollars (\$2,000), or both in the discretion of the court. If the
controlled substance exceeds four tablets, capsules, or other dosage
units or equivalent quantity of hydromorphone or if the quantity of the
controlled substance, or combination of the controlled substances,
exceeds one hundred tablets, capsules or other dosage units, or
equivalent quantity, the violation shall be punishable as a Class I
felony. If the controlled substance is phencyclidine, or cocaine and
any salt, isomer, salts of isomers, compound, derivative, or preparation
thereof, or coca leaves and any salt, isomer, salts of isomers,
compound, derivative, or preparation of coca leaves, or any salt,
isomer, salts of isomers, compound, derivative or preparation thereof
which is chemically equivalent or identical with any of these

1 substances (except decocanized coca leaves or any extraction of coca
2 leaves which does not contain cocaine or ecgonine), the violation shall
3 be punishable as a Class I felony.

4 (3) A controlled substance classified in Schedule V shall be guilty of a
5 misdemeanor and shall be sentenced to a term of imprisonment of not
6 more than six months or fined not more than five hundred dollars
7 (\$500.00), or both in the discretion of the court;

8 (4) A controlled substance classified in Schedule VI shall be guilty of a
9 misdemeanor and shall be sentenced to a term of imprisonment of not
10 more than 30 days or fined not more than one hundred dollars
11 (\$100.00), or both, in the discretion of the court, but any sentence of
12 imprisonment imposed must be suspended and the judge may not
13 require at the time of sentencing that the defendant serve a period of
14 imprisonment as a special condition of probation. ~~If the quantity of the~~
15 ~~controlled substance exceeds one half of an ounce (avoirdupois) of~~
16 ~~marijuana or one twentieth of an ounce (avoirdupois) of the extracted resin~~
17 ~~of marijuana, commonly known as hashish, the violation shall be punishable~~
18 ~~as a general misdemeanor. If the quantity of the controlled substance is~~
19 one-half ounce (avoirdupois) or less of marijuana or one-twentieth
20 ounce (avoirdupois) or less of extracted resin of marijuana, the
21 violation shall be punishable as a misdemeanor, as follows:

22 a. For a first conviction, the defendant shall be fined five hundred
23 dollars (\$500.00) and shall be sentenced to a minimum term of
24 imprisonment of 24 consecutive hours. The term of
25 imprisonment may be suspended only on the condition that the
26 defendant perform eight hours of community service. The court
27 shall file a conviction report with the Division of Motor
28 Vehicles indicating the name of the person convicted and any
29 other information requested by the Division.

30 b. For a second conviction, the defendant shall be fined one
31 thousand dollars (\$1,000) and shall be sentenced to a minimum
32 term of imprisonment of 48 consecutive hours. The term of
33 imprisonment may be suspended only on the condition that the
34 defendant perform 40 hours of community service, and lose
35 eligibility for all State financial aid for post-secondary
36 education for a period of one year from the date of sentencing.
37 The court shall file a conviction report with the Division of
38 Motor Vehicles indicating the name of the person convicted and
39 any other information requested by the Division.

40 c. For a third or subsequent conviction, the punishment shall be a
41 fine of two thousand dollars (\$2,000), a minimum term of
42 imprisonment of 72 consecutive hours, and suspension from
43 any State-supported institution of higher learning and lose
44 eligibility for all State financial aid for post-secondary

1 education. The term of imprisonment may be suspended only
2 on the condition that the defendant successfully completes a 28-
3 day drug abuse treatment program approved by the Department
4 of Human Resources, remains in after care for six months, and
5 tests free of controlled substances for a period of one year. The
6 court shall file a conviction report with the Division of Motor
7 Vehicles indicating the name of the person convicted and any
8 other information requested by the Division.

9 If the quantity of the controlled substance exceeds ~~one and one-half~~
10 ~~ounces (avoirdupois)~~ one-half ounce (avoirdupois) of marijuana or ~~three-~~
11 ~~twentieths~~ one-twentieth of an ounce (avoirdupois) of the extracted
12 resin of marijuana, commonly known as hashish, or if the controlled
13 substance consists of any quantity of synthetic tetrahydrocannabinols
14 or tetrahydrocannabinols isolated from the resin of marijuana, the
15 violation shall be punishable as a Class I felony."

16 Sec. 2. G.S. 20-13.2(a) reads as rewritten:

17 "(a) The Division must revoke the license of a person convicted of violating the
18 provisions of G.S. 20-138.3 or G.S. 90-95(d)(4) if the controlled substance is one ounce
19 (avoirdupois) or more of marijuana or one-tenth of an ounce (avoirdupois) or more of
20 extracted resin of marijuana upon receipt of a record of the licensee's conviction."

21 Sec. 3. This act becomes effective January 1, 1992, and applies to offenses
22 occurring on or after that date.