

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS75158-LH-48 (02/03)

Short Title: Amend Post-Release Supervision Laws. (Public)

Sponsors: Senator Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD
TO POST-RELEASE SUPERVISION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1340.11 is amended by adding a new subdivision to
read:

"(6a) Post-release supervision. – The time for which a sentenced prisoner is supervised in the community following the termination of the prisoner's maximum prison term, controlled by the rules and conditions of Article 84A of this Chapter."

SECTION 2. G.S. 15A-1340.13(b) reads as rewritten:

"(b) Procedure Generally; Requirements of Judgment; Kinds of Sentences. – Before imposing a sentence, the court shall determine the prior record level for the offender pursuant to G.S. 15A-1340.14. The sentence shall contain a sentence disposition specified for the class of offense and prior record level, and its minimum term of imprisonment shall be within the range specified for the class of offense and prior record level, unless applicable statutes require or authorize another minimum sentence of imprisonment. For Class B1, B2, C, D, and E felony offenses, the sentence shall include a period of post-release supervision pursuant to G.S. 15A-1340.18. The kinds of sentence dispositions are active punishment, intermediate punishment, and community punishment."

SECTION 3. G.S. 15A-1340.17 reads as rewritten:

"§ 15A-1340.17. Punishment limits for each class of offense and prior record level.

(a) Offense Classification; Default Classifications. – The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.

(b) Fines. – Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a fine only. Additionally, when the defendant is other than an individual, the judgment may consist of a fine only. Unless otherwise provided, the amount of the fine is in the discretion of the court.

(c) Punishments for Each Class of Offense and Prior Record Level; Punishment Chart Described. – The authorized punishment for each class of offense and prior record level is as specified in the chart below. ~~below and under G.S. 15A-1340.18.~~ Prior record levels are indicated by the Roman numerals placed horizontally on the top of the chart. Classes of offense are indicated by the letters placed vertically on the left side of the chart. Each cell on the chart contains the following components:

- (1) A sentence disposition or dispositions: "C" indicates that a community punishment is authorized; "I" indicates that an intermediate punishment is authorized; "A" indicates that an active punishment is authorized; and "Life Imprisonment Without Parole" indicates that the defendant shall be imprisoned for the remainder of the prisoner's natural life.
- (2) A presumptive range of minimum durations, if the sentence of imprisonment is neither aggravated or mitigated; any minimum term of imprisonment in that range is permitted unless the court finds pursuant to G.S. 15A-1340.16 that an aggravated or mitigated sentence is appropriate. The presumptive range is the middle of the three ranges in the cell.
- (3) A mitigated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that a mitigated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the mitigated range is permitted. The mitigated range is the lower of the three ranges in the cell.
- (4) An aggravated range of minimum durations if the court finds pursuant to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is justified; in such a case, any minimum term of imprisonment in the aggravated range is permitted. The aggravated range is the higher of the three ranges in the cell.

PRIOR RECORD LEVEL

	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts	
A	Life Imprisonment Without Parole or Death as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240-300	288-360	336-420	384-480	Life Imprisonment Without Parole		Aggravated
B1	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE
	144-192	173-230	202-269	230-307	260-346	288-384	Mitigated

1		A	A	A	A	A	A	DISPOSITION
2		157-196	189-237	220-276	251-313	282-353	313-392	Aggravated
3	B2	125-157	151-189	176-220	201-251	225-282	251-313	PRESUMPTIVE
4		94-125	114-151	132-176	151-201	169-225	188-251	Mitigated
5		A	A	A	A	A	A	DISPOSITION
6		73-92	100-125	116-145	133-167	151-188	168-210	Aggravated
7	C	58-73	80-100	93-116	107-133	121-151	135-168	PRESUMPTIVE
8		44-58	60-80	70-93	80-107	90-121	101-135	Mitigated
9		A	A	A	A	A	A	DISPOSITION
10		64-80	77-95	103-129	117-146	133-167	146-183	Aggravated
11	D	51-64	61-77	82-103	94-117	107-133	117-146	PRESUMPTIVE
12		38-51	46-61	61-82	71-94	80-107	88-117	Mitigated
13		I/A	I/A	A	A	A	A	DISPOSITION
14		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated
15	E	20-25	23-29	27-34	37-46	42-53	47-59	PRESUMPTIVE
16		15-20	17-23	20-27	28-37	32-42	35-47	Mitigated
17		I/A	I/A	I/A	A	A	A	DISPOSITION
18		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
19	F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE
20		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
21		I/A	I/A	I/A	I/A	A	A	DISPOSITION
22		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
23	G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
24		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
25		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
26		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
27	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
28		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
29		C	C/I	I	I/A	I/A	I/A	DISPOSITION
30		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
31	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
32		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated

(d) Maximum Sentences Specified for ~~Class F through Class I Felonies.~~ Class B1 Felonies Through Class I Felonies for Minimum Terms up to 346 Months. – Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class ~~F-B1~~ through Class I felonies. The first figure in each cell in the table is the minimum term and the second is the maximum term.

42	3-4	4-5	5-6	6-8	7-9	8-10	9-11	10-12
43	11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22

1	<u>19-23</u>	<u>20-24</u>	<u>21-26</u>	<u>22-27</u>	<u>23-28</u>	<u>24-29</u>	<u>25-30</u>	<u>26-32</u>
2	<u>27-33</u>	<u>28-34</u>	<u>29-35</u>	<u>30-36</u>	<u>31-38</u>	<u>32-39</u>	<u>33-40</u>	<u>34-41</u>
3	<u>35-42</u>	<u>36-44</u>	<u>37-45</u>	<u>38-46</u>	<u>39-47</u>	<u>40-48</u>	<u>41-50</u>	<u>42-51</u>
4	<u>43-52</u>	<u>44-53</u>	<u>45-54</u>	<u>46-56</u>	<u>47-57</u>	<u>48-58</u>	<u>49-59</u>	<u>50-60</u>
5	<u>51-61</u>	<u>52-62</u>	<u>53-64</u>	<u>54-65</u>	<u>55-66</u>	<u>56-67</u>	<u>57-68</u>	<u>58-70</u>
6	<u>59-71</u>	<u>60-72</u>	<u>61-73</u>	<u>62-74</u>	<u>63-76</u>	<u>64-77</u>	<u>65-78</u>	<u>66-79</u>
7	<u>67-80</u>	<u>68-82</u>	<u>69-83</u>	<u>70-84</u>	<u>71-85</u>	<u>72-86</u>	<u>73-88</u>	<u>74-89</u>
8	<u>75-90</u>	<u>76-91</u>	<u>77-92</u>	<u>78-94</u>	<u>79-95</u>	<u>80-96</u>	<u>81-97</u>	<u>82-98</u>
9	<u>83-100</u>	<u>84-101</u>	<u>85-102</u>	<u>86-103</u>	<u>87-104</u>	<u>88-106</u>	<u>89-107</u>	<u>90-108</u>
10	<u>91-109</u>	<u>92-110</u>	<u>93-112</u>	<u>94-113</u>	<u>95-114</u>	<u>96-115</u>	<u>97-116</u>	<u>98-118</u>
11	<u>99-119</u>	<u>100-120</u>	<u>101-121</u>	<u>102-122</u>	<u>103-124</u>	<u>104-125</u>	<u>105-126</u>	<u>106-127</u>
12	<u>107-128</u>	<u>108-130</u>	<u>109-131</u>	<u>110-132</u>	<u>111-133</u>	<u>112-134</u>	<u>113-136</u>	<u>114-137</u>
13	<u>115-138</u>	<u>116-139</u>	<u>117-140</u>	<u>118-142</u>	<u>119-143</u>	<u>120-144</u>	<u>121-145</u>	<u>122-146</u>
14	<u>123-148</u>	<u>124-149</u>	<u>125-150</u>	<u>126-151</u>	<u>127-152</u>	<u>128-154</u>	<u>129-155</u>	<u>130-156</u>
15	<u>131-157</u>	<u>132-158</u>	<u>133-160</u>	<u>134-161</u>	<u>135-162</u>	<u>136-163</u>	<u>137-164</u>	<u>138-166</u>
16	<u>139-167</u>	<u>140-168</u>	<u>141-169</u>	<u>142-170</u>	<u>143-172</u>	<u>144-173</u>	<u>145-174</u>	<u>146-175</u>
17	<u>147-176</u>	<u>148-178</u>	<u>149-179</u>	<u>150-180</u>	<u>151-181</u>	<u>152-182</u>	<u>153-184</u>	<u>154-185</u>
18	<u>155-186</u>	<u>156-187</u>	<u>157-188</u>	<u>158-190</u>	<u>159-191</u>	<u>160-192</u>	<u>161-193</u>	<u>162-194</u>
19	<u>163-196</u>	<u>164-197</u>	<u>165-198</u>	<u>166-199</u>	<u>167-200</u>	<u>168-202</u>	<u>169-203</u>	<u>170-204</u>
20	<u>171-205</u>	<u>172-206</u>	<u>173-208</u>	<u>174-209</u>	<u>175-210</u>	<u>176-211</u>	<u>177-212</u>	<u>178-214</u>
21	<u>179-215</u>	<u>180-216</u>	<u>181-217</u>	<u>182-218</u>	<u>183-220</u>	<u>184-221</u>	<u>185-222</u>	<u>186-223</u>
22	<u>187-224</u>	<u>188-226</u>	<u>189-227</u>	<u>190-228</u>	<u>191-229</u>	<u>192-230</u>	<u>193-232</u>	<u>194-233</u>
23	<u>195-234</u>	<u>196-235</u>	<u>197-236</u>	<u>198-238</u>	<u>199-239</u>	<u>200-240</u>	<u>201-241</u>	<u>202-242</u>
24	<u>203-244</u>	<u>204-245</u>	<u>205-246</u>	<u>206-247</u>	<u>207-248</u>	<u>208-250</u>	<u>209-251</u>	<u>210-252</u>
25	<u>211-253</u>	<u>212-254</u>	<u>213-256</u>	<u>214-257</u>	<u>215-258</u>	<u>216-259</u>	<u>217-260</u>	<u>218-262</u>
26	<u>219-263</u>	<u>220-264</u>	<u>221-265</u>	<u>222-266</u>	<u>223-268</u>	<u>224-269</u>	<u>225-270</u>	<u>226-271</u>
27	<u>227-272</u>	<u>228-274</u>	<u>229-275</u>	<u>230-276</u>	<u>231-277</u>	<u>232-278</u>	<u>233-280</u>	<u>234-281</u>
28	<u>235-282</u>	<u>236-283</u>	<u>237-284</u>	<u>238-286</u>	<u>239-287</u>	<u>240-288</u>	<u>241-289</u>	<u>242-290</u>
29	<u>243-292</u>	<u>244-293</u>	<u>245-294</u>	<u>246-295</u>	<u>247-296</u>	<u>248-298</u>	<u>249-299</u>	<u>250-300</u>
30	<u>251-301</u>	<u>252-302</u>	<u>253-304</u>	<u>254-305</u>	<u>255-306</u>	<u>256-307</u>	<u>257-308</u>	<u>258-310</u>
31	<u>259-311</u>	<u>260-312</u>	<u>261-313</u>	<u>262-314</u>	<u>263-316</u>	<u>264-317</u>	<u>265-318</u>	<u>266-319</u>
32	<u>267-320</u>	<u>268-322</u>	<u>269-323</u>	<u>270-324</u>	<u>271-325</u>	<u>272-326</u>	<u>273-328</u>	<u>274-329</u>
33	<u>275-330</u>	<u>276-331</u>	<u>277-332</u>	<u>278-334</u>	<u>279-335</u>	<u>280-336</u>	<u>281-337</u>	<u>282-338</u>
34	<u>283-340</u>	<u>284-341</u>	<u>285-342</u>	<u>286-343</u>	<u>287-344</u>	<u>288-346</u>	<u>289-347</u>	<u>290-348</u>
35	<u>291-349</u>	<u>292-350</u>	<u>293-352</u>	<u>294-353</u>	<u>295-354</u>	<u>296-355</u>	<u>297-356</u>	<u>298-358</u>
36	<u>299-359</u>	<u>300-360</u>	<u>301-361</u>	<u>302-362</u>	<u>303-364</u>	<u>304-365</u>	<u>305-366</u>	<u>306-367</u>
37	<u>307-368</u>	<u>308-370</u>	<u>309-371</u>	<u>310-372</u>	<u>311-373</u>	<u>312-374</u>	<u>313-376</u>	<u>314-377</u>
38	<u>315-378</u>	<u>316-379</u>	<u>317-380</u>	<u>318-382</u>	<u>319-383</u>	<u>320-384</u>	<u>321-385</u>	<u>322-386</u>
39	<u>323-388</u>	<u>324-389</u>	<u>325-390</u>	<u>326-391</u>	<u>327-392</u>	<u>328-394</u>	<u>329-395</u>	<u>330-396</u>
40	<u>331-397</u>	<u>332-398</u>	<u>333-400</u>	<u>334-401</u>	<u>335-402</u>	<u>336-403</u>	<u>337-404</u>	<u>338-406</u>
41	<u>339-407</u>	<u>340-408</u>	<u>341-409</u>	<u>342-410</u>	<u>343-412</u>	<u>344-413</u>	<u>345-414</u>	<u>346-415</u>
42								

43 ~~(e) Maximum Sentences Specified for Class B1 through Class E Felonies for~~
 44 ~~Minimum Terms up to 339 Months. Unless provided otherwise in a statute~~

1 establishing a punishment for a specific crime, for each minimum term of imprisonment
2 in the chart in subsection (c) of this section, expressed in months, the corresponding
3 maximum term of imprisonment, also expressed in months, is as specified in the table
4 below for Class B1 through Class E felonies. The first figure in each cell of the table is
5 the minimum term and the second is the maximum term.

6								
7	15-27	16-29	17-30	18-31	19-32	20-33	21-35	22-36
8	23-37	24-38	25-39	26-41	27-42	28-43	29-44	30-45
9	31-47	32-48	33-49	34-50	35-51	36-53	37-54	38-55
10	39-56	40-57	41-59	42-60	43-61	44-62	45-63	46-65
11	47-66	48-67	49-68	50-69	51-71	52-72	53-73	54-74
12	55-75	56-77	57-78	58-79	59-80	60-81	61-83	62-84
13	63-85	64-86	65-87	66-89	67-90	68-91	69-92	70-93
14	71-95	72-96	73-97	74-98	75-99	76-101	77-102	78-103
15	79-104	80-105	81-107	82-108	83-109	84-110	85-111	86-113
16	87-114	88-115	89-116	90-117	91-119	92-120	93-121	94-122
17	95-123	96-125	97-126	98-127	99-128	100-129	101-131	102-132
18	103-133	104-134	105-135	106-137	107-138	108-139	109-140	110-141
19	111-143	112-144	113-145	114-146	115-147	116-149	117-150	118-151
20	119-152	120-153	121-155	122-156	123-157	124-158	125-159	126-161
21	127-162	128-163	129-164	130-165	131-167	132-168	133-169	134-170
22	135-171	136-173	137-174	138-175	139-176	140-177	141-179	142-180
23	143-181	144-182	145-183	146-185	147-186	148-187	149-188	150-189
24	151-191	152-192	153-193	154-194	155-195	156-197	157-198	158-199
25	159-200	160-201	161-203	162-204	163-205	164-206	165-207	166-209
26	167-210	168-211	169-212	170-213	171-215	172-216	173-217	174-218
27	175-219	176-221	177-222	178-223	179-224	180-225	181-227	182-228
28	183-229	184-230	185-231	186-233	187-234	188-235	189-236	190-237
29	191-239	192-240	193-241	194-242	195-243	196-245	197-246	198-247
30	199-248	200-249	201-251	202-252	203-253	204-254	205-255	206-257
31	207-258	208-259	209-260	210-261	211-263	212-264	213-265	214-266
32	215-267	216-269	217-270	218-271	219-272	220-273	221-275	222-276
33	223-277	224-278	225-279	226-281	227-282	228-283	229-284	230-285
34	231-287	232-288	233-289	234-290	235-291	236-293	237-294	238-295
35	239-296	240-297	241-299	242-300	243-301	244-302	245-303	246-305
36	247-306	248-307	249-308	250-309	251-311	252-312	253-313	254-314
37	255-315	256-317	257-318	258-319	259-320	260-321	261-323	262-324
38	263-325	264-326	265-327	266-329	267-330	268-331	269-332	270-333
39	271-335	272-336	273-337	274-338	275-339	276-341	277-342	278-343
40	279-344	280-345	281-347	282-348	283-349	284-350	285-351	286-353
41	287-354	288-355	289-356	290-357	291-359	292-360	293-361	294-362
42	295-363	296-365	297-366	298-367	299-368	300-369	301-371	302-372
43	303-373	304-374	305-375	306-377	307-378	308-379	309-380	310-381
44	311-383	312-384	313-385	314-386	315-387	316-389	317-390	318-391

1 319-392 320-393 321-395 322-396 323-397 324-398 325-399 326-401
 2 327-402 328-403 329-404 330-405 331-407 332-408 333-409 334-410
 3 335-411 336-413 337-414 338-415 339-416

4
 5 (e1) Maximum Sentences Specified for Class B1 ~~through~~through Class E-I
 6 Felonies for Minimum Terms of ~~340~~347 Months or More. – Unless provided otherwise
 7 in a statute establishing a punishment for a specific crime, when the minimum sentence
 8 is ~~340~~347 months or more, the corresponding maximum term of imprisonment shall be
 9 equal to the sum of the minimum term of imprisonment and twenty percent (20%) of the
 10 minimum term of imprisonment, rounded to the next highest ~~month~~, ~~plus nine additional~~
 11 ~~months~~.month."

12 **SECTION 4.** Article 81B of Chapter 15A of the General Statutes is
 13 amended by adding a new section to read:

14 "**§ 15A-1340.18. Post-release supervision.**

15 (a) Except as provided in subsection (b) of this section, the court must also
 16 impose a period of post-release supervision to follow the term of imprisonment and an
 17 additional term of imprisonment to be served upon revocation of the period of
 18 post-release supervision on all offenders convicted of a Class B1, B2, C, D, or E felony
 19 offense. The period of supervision and the term of imprisonment are as follows:

20 (1) Period of supervision. – The period of post-release supervision shall be
 21 nine months, unless the offense is a Class B1 through E offense for
 22 which registration is required pursuant to Article 27A of Chapter 14 of
 23 the General Statutes. For offenses subject to the registration
 24 requirement of Article 27A of Chapter 14 of the General Statutes, the
 25 period of post-release supervision is five years.

26 (2) Term of imprisonment. – The term of imprisonment upon revocation
 27 of post-release supervision shall be for a minimum term of seven
 28 months and a maximum term of nine months.

29 (b) If an offender is convicted of a Class B1, B2, C, D, or E felony offense and
 30 receives a sentence of imprisonment, then the court may decline to impose post-release
 31 supervision if it makes a finding of facts which indicates post-release supervision would
 32 not be necessary in that case. If an offender is convicted of a Class B1 felony offense
 33 and receives a sentence of life imprisonment without parole, then post-release
 34 supervision shall not be imposed.

35 (c) If the court imposes an intermediate punishment on an offender who is
 36 required to receive post-release supervision under subsection (a) of this section, then the
 37 period of post-release supervision is suspended.

38 (d) Provisions of Article 84A of this Chapter apply to judgments entered
 39 pursuant to this section."

40 **SECTION 5.** G.S. 15A-1342(c) reads as rewritten:

41 "(c) Conditions; Suspended Sentence. – When the court places a convicted
 42 offender on probation, it must determine conditions of probation as provided in
 43 G.S. 15A-1343. In addition, it must impose a suspended sentence of imprisonment,
 44 determined as provided in Article 83, Imprisonment, which may be activated upon

1 violation of conditions of probation. Suspension of a term of imprisonment also
2 suspends any period of post-release supervision that may be imposed for that offense."

3 **SECTION 6.** G.S. 15A-1344(d) reads as rewritten:

4 "(d) Extension and Modification; Response to Violations. – At any time prior to
5 the expiration or termination of the probation period, the court may after notice and
6 hearing and for good cause shown extend the period of probation up to the maximum
7 allowed under G.S. 15A-1342(a) and may modify the conditions of probation. The
8 probation period shall be tolled if the probationer shall have pending against him
9 criminal charges in any court of competent jurisdiction, which, upon conviction, could
10 result in revocation proceedings against him for violation of the terms of this probation.
11 The hearing may be held in the absence of the defendant, if he fails to appear for the
12 hearing after a reasonable effort to notify him. If a convicted defendant violates a
13 condition of probation at any time prior to the expiration or termination of the period of
14 probation, the court, in accordance with the provisions of G.S. 15A-1345, may continue
15 him on probation, with or without modifying the conditions, may place the defendant on
16 special probation as provided in subsection (e), or, if continuation, modification, or
17 special probation is not appropriate, may revoke the probation and activate the
18 suspended sentence and any period of post-release supervision imposed at the time of
19 initial sentencing, if any, or may order that charges as to which prosecution has been
20 deferred be brought to trial; provided that probation may not be revoked solely for
21 conviction of a Class 3 misdemeanor. The court, before activating a sentence to
22 imprisonment established when the defendant was placed on probation, may reduce the
23 sentence, but the reduction shall be consistent with subsection (d1) of this section. A
24 sentence activated upon revocation of probation commences on the day probation is
25 revoked and runs concurrently with any other period of probation, parole, or
26 imprisonment to which the defendant is subject during that period unless the revoking
27 judge specifies that it is to run consecutively with the other period."

28 **SECTION 7.** G.S. 15A-1354 reads as rewritten:

29 **"§ 15A-1354. Concurrent and consecutive terms of imprisonment.**

30 (a) Authority of Court. – When multiple sentences of imprisonment are imposed
31 on a person at the same time or when a term of imprisonment is imposed on a person
32 who is already subject to an undischarged term of imprisonment, including a term of
33 imprisonment in another jurisdiction, the sentences may run either concurrently or
34 consecutively, as determined by the court. If not specified or not required by statute to
35 run consecutively, sentences shall run concurrently.

36 (b) Effect of Consecutive Terms. – In determining the effect of consecutive
37 sentences imposed under authority of this Article and the manner in which they will be
38 served, the Department of Correction must treat the defendant as though he has been
39 committed for a single term with the following incidents:

- 40 (1) The maximum prison sentence consists of the total of the maximum
41 terms of the consecutive sentences, ~~less nine months for each of the~~
42 ~~second and subsequent sentences imposed for Class B through Class E~~
43 ~~felonies; and~~ sentences; and

1 (2) The minimum term consists of the total of the minimum terms of the
2 consecutive sentences.

3 (c) Post-Release Supervision. – When multiple periods of post-release
4 supervision are imposed on a person, either at the same time or in addition to existing
5 periods of supervision, the periods of post-release supervision are consolidated to run as
6 a single period and begin at the conclusion of all terms of imprisonment."

7 **SECTION 8.** G.S. 15A-1368(a) reads as rewritten:

8 "(a) The following words have the listed meaning in this Article:

9 (1) Post-release supervision or supervision. – The time for which a
10 sentenced prisoner is ~~released from prison before~~ supervised in the
11 community following the termination of his ~~the prisoner's maximum~~
12 prison term, controlled by the rules and conditions of this Article.
13 Purposes of post-release supervision include all or any of the
14 following: to monitor and control the prisoner in the community, to
15 assist the prisoner in reintegrating into society, to collect restitution
16 and other court indebtedness from the prisoner, and to continue the
17 prisoner's treatment or education.

18 (2) Supervisee. – A person released from incarceration and in the custody
19 of the Department of Correction and Post-Release Supervision and
20 Parole Commission on post-release supervision.

21 (3) Commission. – The Post-Release Supervision and Parole Commission,
22 whose general authority is described in G.S. 143B-266.

23 (4) Minimum imposed term. – The minimum term of imprisonment
24 imposed on an individual prisoner by a court judgment, as described in
25 G.S. 15A-1340.13(c). When a prisoner is serving consecutive
26 imprisonment terms, the minimum imposed term, for purposes of this
27 Article, is the sum of all minimum terms imposed in the court
28 judgment.

29 (5) Maximum imposed term. – The maximum term of imprisonment
30 imposed on an individual prisoner by a court judgment, as described in
31 G.S. 15A-1340.13(c). When a prisoner is serving consecutive prison
32 terms, the maximum imposed term, for purposes of this Article, is the
33 sum of all maximum terms imposed in the court judgment or
34 ~~judgments, less nine months for each of the second and subsequent~~
35 ~~sentences imposed for Class B through Class E felonies.~~ judgments."

36 **SECTION 9.** G.S. 15A-1368.1 reads as rewritten:

37 **"§ 15A-1368.1. Applicability of Article 84A.**

38 This Article applies to all felons in Class B1 through Class E sentenced to an active
39 punishment under Article 81B of this ~~Chapter, Chapter~~ or G.S. 90-95(h), but does not
40 apply to felons in Class B1 sentenced to life imprisonment without parole. Prisoners
41 subject to Articles 85 and 85A of this Chapter are excluded from this Article's
42 coverage."

43 **SECTION 10.** G.S. 15A-1368.2 reads as rewritten:

44 **"§ 15A-1368.2. Post-release supervision eligibility and procedure.**

1 (a) A prisoner to whom this Article applies shall be released from prison for
2 post-release supervision on the date equivalent to his maximum imposed prison term
3 ~~less nine months~~, less any earned time awarded by the Department of Correction or the
4 custodian of a local confinement facility under G.S. 15A-1340.13(d). If a prisoner has
5 not been awarded any earned time, the prisoner shall be released for post-release
6 supervision on the date equivalent to his maximum prison ~~term less nine months~~ term.

7 (b) A prisoner shall not refuse post-release supervision.

8 (c) A supervisee's period of post-release supervision shall be for a period of nine
9 months, unless the offense is ~~an~~ a Class B1 through E offense for which registration is
10 required pursuant to Article 27A of Chapter 14 of the General Statutes. For offenses
11 subject to the registration requirement of Article 27A of Chapter 14 of the General
12 Statutes, the period of post-release supervision is five years. The conditions of
13 post-release supervision are as authorized in G.S. ~~15A-1368.5~~ 15A-1368.4.

14 ~~(d) A supervisee's period of post-release supervision may be reduced while the~~
15 ~~supervisee is under supervision by earned time awarded by the Department of~~
16 ~~Correction, pursuant to rules adopted in accordance with law. A supervisee is eligible to~~
17 ~~receive earned time credit toward the period of supervision for compliance with~~
18 ~~reintegrative conditions described in G.S. 15A-1368.5.~~

19 (e) Repealed by Session Laws 1997-237, s. 7.

20 (f) When a supervisee completes the period of post-release supervision, the
21 sentence or sentences from which the supervisee was placed on post-release supervision
22 are terminated."

23 **SECTION 11.** G.S. 15A-1368.3 reads as rewritten:

24 "**§ 15A-1368.3. Incidents of post-release supervision.**

25 (a) Conditionality. – Post-release supervision is conditional and subject to
26 revocation.

27 (b) Modification. – The Commission may for good cause shown modify the
28 conditions of post-release supervision at any time before the termination of the
29 supervision period.

30 (c) Effect of Violation. – If the supervisee violates a condition, described in
31 G.S. 15A-1368.4, at any time before the termination of the supervision period, the
32 Commission may continue the supervisee on the existing supervision, with or without
33 modifying the ~~conditions, or~~ conditions. If the supervisee violates a controlling
34 condition described in G.S. 15A-1368.4(b), (b1), (e), or (e2), and if continuation or
35 modification is not appropriate, the Commission may revoke post-release supervision as
36 provided in G.S. 15A-1368.6 and reimprison the supervisee for a term consistent with
37 the following requirements:

38 (1) The supervisee will be returned to prison ~~up to the time remaining on~~
39 ~~his maximum imposed term~~ for a minimum term of seven months and
40 a maximum term of nine months.

41 (2) The supervisee shall not receive any credit for days on post-release
42 supervision against the maximum term of imprisonment imposed by
43 the court under G.S. 15A-1340.13.

1 (3) Pursuant to Article 19A of Chapter 15, the Department of Correction
2 shall award a prisoner credit against any term of reimprisonment for all
3 time spent in custody as a result of revocation proceedings under
4 G.S. 15A-1368.6.

5 (4) The prisoner is eligible to receive earned time credit against the
6 maximum prison term as provided in G.S. 15A-1340.13(d) for time
7 served in prison after the revocation.

8 (d) No Re-Release After Revocation of Post-Release Supervision. – A prisoner
9 who has been reimprisoned prior to completing a post-release supervision period may
10 ~~again not~~ be released again on post-release supervision by the ~~Commission subject to~~
11 ~~the provisions which govern initial release.~~ Commission.

12 (e) Timing of Revocation. – The Commission may revoke post-release
13 supervision for violation of a controlling condition during the period of supervision. The
14 Commission may also revoke post-release supervision following a period of supervision
15 if:

16 (1) Before the expiration of the period of post-release supervision, the
17 Commission has recorded its intent to conduct a revocation hearing;
18 and

19 (2) The Commission finds that every reasonable effort has been made to
20 notify the supervisee and conduct the hearing earlier. Prima facie
21 evidence of reasonable effort to notify is the issuance of a temporary
22 or conditional revocation order, as provided in G.S. 15A-1376, that
23 goes unserved."

24 **SECTION 12.** G.S. 15A-1368.4 reads as rewritten:

25 **"§ 15A-1368.4. Conditions of post-release supervision.**

26 (a) In General. – Conditions of post-release supervision may be reintegrative in
27 nature or designed to control the supervisee's behavior and to enforce compliance with
28 law or judicial order. A supervisee may have his supervision period revoked for any
29 violation of a controlling ~~condition or for repeated violation of a reintegrative condition.~~
30 ~~Compliance with reintegrative conditions may entitle a supervisee to earned time credits~~
31 ~~as described in G.S. 15A-1368.2(d).~~ condition.

32 (b) Required Condition. – The Commission shall provide as an express condition
33 of every release that the supervisee not commit another crime during the period for
34 which the supervisee remains subject to revocation. A supervisee's failure to comply
35 with this controlling condition is a supervision violation for which the supervisee may
36 face revocation as provided in G.S. 15A-1368.3.

37 (b1) Additional Required Conditions for Sex Offenders and Persons Convicted of
38 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the
39 required condition set forth in subsection (b) of this section, for a supervisee who has
40 been convicted of an offense which is a reportable conviction as defined in
41 G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor,
42 controlling conditions, violations of which may result in revocation of post-release
43 supervision, are:

- 1 (1) Register as required by G.S. 14-208.7 if the offense is a reportable
2 conviction as defined by G.S. 14-208.6(4).
- 3 (2) Participate in such evaluation and treatment as is necessary to
4 complete a prescribed course of psychiatric, psychological, or other
5 rehabilitative treatment as ordered by the Commission.
- 6 (3) Not communicate with, be in the presence of, or found in or on the
7 premises of the victim of the offense.
- 8 (4) Not reside in a household with any minor child if the offense is one in
9 which there is evidence of sexual abuse of a minor.
- 10 (5) Not reside in a household with any minor child if the offense is one in
11 which there is evidence of physical or mental abuse of a minor, unless
12 ~~a court of competent jurisdiction~~ the Post-Release Supervision and
13 Parole Commission expressly finds that it is unlikely that the
14 defendant's harmful or abusive conduct will recur and that it would be
15 in the child's best interest to allow the supervisee to reside in the same
16 household with a minor child.

17 (c) Discretionary Conditions. – The Commission, in consultation with the
18 Division of Community Corrections, may impose reintegrative or controlling conditions
19 on a supervisee it believes reasonably necessary to ensure that the supervisee will lead a
20 law-abiding life or to assist the supervisee to do so.

21 (d) Reintegrative Conditions. – ~~Appropriate reintegrative conditions, for which a~~
22 ~~supervisee may receive earned time credits against the length of the supervision period,~~
23 ~~and repeated violation that may result in revocation of post release supervision,~~
24 are: conditions are:

- 25 (1) Work faithfully at suitable employment or faithfully pursue a course of
26 study or vocational training that will equip the supervisee for suitable
27 employment.
- 28 (2) Undergo available medical or psychiatric treatment and remain in a
29 specified institution if required for that purpose.
- 30 (3) Attend or reside in a facility providing rehabilitation, instruction,
31 recreation, or residence for persons on post-release supervision.
- 32 (4) Support the supervisee's dependents and meet other family
33 responsibilities.
- 34 (5) In the case of a supervisee who attended a basic skills program during
35 incarceration, continue attending a basic skills program in pursuit of a
36 General Education Development Degree or adult high school diploma.
- 37 (6) Satisfy other conditions reasonably related to reintegration into
38 society.

39 (e) Controlling Conditions. – Appropriate controlling conditions, violation of
40 which may result in revocation of post-release supervision, are:

- 41 (1) Not use, possess, or control any illegal drug or controlled substance
42 unless it has been prescribed for the supervisee by a licensed physician
43 and is in the original container with the prescription number affixed on
44 it; not knowingly associate with any known or previously convicted

- 1 users, possessors, or sellers of any such illegal drugs or controlled
2 substances; and not knowingly be present at or frequent any place
3 where such illegal drugs or controlled substances are sold, kept, or
4 used.
- 5 (2) Comply with a court order to pay the costs of reintegrative treatment
6 for a minor and a minor's parents or custodians where the offense
7 involved evidence of physical, mental, or sexual abuse of a minor.
- 8 (3) Comply with a court order to pay court costs and costs for appointed
9 counsel or public defender in the case for which the supervisee was
10 convicted.
- 11 (4) Not possess a firearm, destructive device, or other dangerous weapon
12 unless granted written permission by the Commission or a post-release
13 supervision officer.
- 14 (5) Report to a post-release supervision officer at reasonable times and in
15 a reasonable manner, as directed by the Commission or a post-release
16 supervision officer.
- 17 (6) Permit a post-release supervision officer to visit at reasonable times at
18 the supervisee's home or elsewhere.
- 19 (7) Remain within the geographic limits fixed by the Commission unless
20 granted written permission to leave by the Commission or the
21 post-release supervision officer.
- 22 (8) Answer all reasonable inquiries by the post-release supervision officer
23 and obtain prior approval from the post-release supervision officer for
24 any change in address or employment.
- 25 (9) Promptly notify the post-release supervision officer of any change in
26 address or employment.
- 27 (10) Submit at reasonable times to searches of the supervisee's person by a
28 post-release supervision officer for purposes reasonably related to the
29 post-release supervision. The Commission shall not require as a
30 condition of post-release supervision that the supervisee submit to any
31 other searches that would otherwise be unlawful. Whenever the search
32 consists of testing for the presence of illegal drugs, the supervisee may
33 also be required to reimburse the Department of Correction for the
34 actual cost of drug testing and drug screening, if the results are
35 positive.
- 36 (11) Make restitution or reparation to an aggrieved party as provided in
37 G.S. 148-57.1.
- 38 (12) Comply with an order from a court of competent jurisdiction regarding
39 the payment of an obligation of the supervisee in connection with any
40 judgment rendered by the court.
- 41 (13) Remain in one or more specified places for a specified period or
42 periods each day, and wear a device that permits the defendant's
43 compliance with the condition to be monitored electronically.

1 (14) Submit to supervision by officers assigned to the Intensive
2 Post-Release Supervision Program established pursuant to
3 G.S. 143B-262(c), and abide by the rules adopted for that Program.

4 (e1) Prohibited Conditions. – The Commission shall not impose community
5 service as a condition of post-release supervision.

6 (e2) Additional Discretionary Controlling Conditions for Sex Offenders and
7 Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor.
8 – In addition to the discretionary conditions set forth in subsections (d) and (e) of this
9 section, for a supervisee who has been convicted of an offense which is a reportable
10 conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or
11 sexual abuse of a minor, appropriate discretionary controlling conditions, violations of
12 which may result in revocation of post-release supervision, are that the offender:

13 (1) Reside at a residence to be approved by the supervising officer.

14 (2) Not have contact with the victim including, but not limited to, letters,
15 phone calls, tapes, videos, computer, Internet, or visits. This includes
16 any form of direct contact, or any form of contact through a third
17 party.

18 (3) Not socialize or communicate with individuals under the age of 18 in
19 work or social activities unless accompanied by a responsible adult
20 who is aware of the abusive patterns and is approved in writing by the
21 supervising officer.

22 (4) Submit to psychological and psychophysiological assessment at the
23 direction of the supervising officer to assist in treatment planning and
24 case monitoring.

25 (5) Participate in a sexual abuse treatment program approved by the
26 supervising officer and complete the same to the full satisfaction of the
27 treatment provider. Comply with all programs, including the polygraph
28 examinations, to be used as a tool in conjunction with the treatment
29 plan developed by the treatment provider. Program participation is
30 defined as attendance at all meetings, prompt payment of fees,
31 admission of responsibility for his or her offense, and progress toward
32 reasonable treatment goals.

33 (6) Pay for the victims' mental health counseling expenses that are
34 incurred as a result of the crime or offense as ordered by the court.

35 (7) Not possess any sexually stimulating or sexually oriented materials as
36 deemed inappropriate by the supervising officer, nor patronize any
37 place where such material or entertainment is the primary business.

38 (8) Not use, possess, control, distribute, sell, exchange, or collect
39 pornography or child erotica, including any obtained through Internet
40 access or telephonic communications.

41 (9) Submit at reasonable times to warrantless searches and seizures by the
42 supervising officer of his person, vehicle, premises, computer
43 equipment, and telephone records while he is present for the purposes

1 of detecting or discovering pornography and/or erotica, which are
2 reasonably related to his supervision.

3 (10) Not linger, loiter, nor spend time at locations where unsupervised
4 persons under 18 years of age are present, including, but not limited to,
5 parks, playgrounds, school yards, arcades, or places frequented by
6 children, activities, and such similar places whose purpose is the care,
7 entertainment, or education of such persons under 18 years of age.

8 (11) Not work or volunteer for any business or organization that provides
9 services to or employs persons under 18 years of age. This includes,
10 but is not limited to, arcades, babysitting, daycare agencies, schools,
11 churches, playgrounds, and youth sporting activities or groups. The
12 supervising officer must approve employment.

13 (12) Not associate with or have any contact with convicted sex offenders
14 unless in a counseling group.

15 (13) When given authorization to visit another jurisdiction, present a travel
16 letter to the local police department, have it signed, and return it to the
17 supervising officer.

18 (14) Not purchase, possess, or consume alcoholic beverages or controlled
19 substances. Submit to blood, breath, and urine testing for analysis for
20 the presence of prohibited drugs or alcohol as requested by the
21 supervising officer and pay any fees associated with testing.

22 (15) Not be alone with any minor child below the age of 18 years unless
23 approved by his or her supervising officer in writing.

24 (16) Not engage in any sexual behavior with any minor child below the age
25 of 18 years of age.

26 (17) Abide by a curfew at the discretion of the supervising officer.

27 (f) Required Supervision Fee. – The Commission shall require as a condition of
28 post-release supervision that the supervisee pay a supervision fee of thirty dollars
29 (\$30.00) per month. The Commission may exempt a supervisee from this condition only
30 if it finds that requiring payment of the fee is an undue economic burden. The fee shall
31 be paid to the clerk of superior court of the county in which the supervisee was
32 convicted. The clerk shall transmit any money collected pursuant to this subsection to
33 the State to be deposited in the State's General Fund. In no event shall a supervisee be
34 required to pay more than one supervision fee per month."

35 **SECTION 13.** G.S. 90-95(h) reads as rewritten:

36 "(h) Notwithstanding any other provision of law, the following provisions apply
37 except as otherwise provided in this Article.

38 (1) Any person who sells, manufactures, delivers, transports, or possesses
39 in excess of 10 pounds (avoirdupois) of marijuana shall be guilty of a
40 felony which felony shall be known as "trafficking in marijuana" and
41 if the quantity of such substance involved:

42 a. Is in excess of 10 pounds, but less than 50 pounds, such person
43 shall be punished as a Class H felon and shall be sentenced to a
44 minimum term of 25 months and a maximum term of 30

- 1 months in the State's prison and shall be fined not less than five
 2 thousand dollars (\$5,000);
- 3 b. Is 50 pounds or more, but less than 2,000 pounds, such person
 4 shall be punished as a Class G felon and shall be sentenced to a
 5 minimum term of 35 months and a maximum term of 42
 6 months in the State's prison and shall be fined not less than
 7 twenty-five thousand dollars (\$25,000);
- 8 c. Is 2,000 pounds or more, but less than 10,000 pounds, such
 9 person shall be punished as a Class F felon and shall be
 10 sentenced to a minimum term of 70 months and a maximum
 11 term of 84 months in the State's prison and shall be fined not
 12 less than fifty thousand dollars (\$50,000);
- 13 d. Is 10,000 pounds or more, such person shall be punished as a
 14 Class D felon and shall be sentenced to a minimum term of 175
 15 months and a maximum term of ~~219~~210 months in the State's
 16 prison and shall be fined not less than two hundred thousand
 17 dollars (\$200,000).
- 18 (2) Any person who sells, manufactures, delivers, transports, or possesses
 19 1,000 tablets, capsules or other dosage units, or the equivalent
 20 quantity, or more of methaqualone, or any mixture containing such
 21 substance, shall be guilty of a felony which felony shall be known as
 22 "trafficking in methaqualone" and if the quantity of such substance or
 23 mixture involved:
- 24 a. Is 1,000 or more dosage units, or equivalent quantity, but less
 25 than 5,000 dosage units, or equivalent quantity, such person
 26 shall be punished as a Class G felon and shall be sentenced to a
 27 minimum term of 35 months and a maximum term of 42
 28 months in the State's prison and shall be fined not less than
 29 twenty-five thousand dollars (\$25,000);
- 30 b. Is 5,000 or more dosage units, or equivalent quantity, but less
 31 than 10,000 dosage units, or equivalent quantity, such person
 32 shall be punished as a Class F felon and shall be sentenced to a
 33 minimum term of 70 months and a maximum term of 84
 34 months in the State's prison and shall be fined not less than fifty
 35 thousand dollars (\$50,000);
- 36 c. Is 10,000 or more dosage units, or equivalent quantity, such
 37 person shall be punished as a Class D felon and shall be
 38 sentenced to a minimum term of 175 months and a maximum
 39 term of ~~219~~210 months in the State's prison and shall be fined
 40 not less than two hundred thousand dollars (\$200,000).
- 41 (3) Any person who sells, manufactures, delivers, transports, or possesses
 42 28 grams or more of cocaine and any salt, isomer, salts of isomers,
 43 compound, derivative, or preparation thereof, or any coca leaves and
 44 any salt, isomer, salts of isomers, compound, derivative, or preparation

1 of coca leaves, and any salt, isomer, salts of isomers, compound,
2 derivative or preparation thereof which is chemically equivalent or
3 identical with any of these substances (except decocainized coca
4 leaves or any extraction of coca leaves which does not contain
5 cocaine) or any mixture containing such substances, shall be guilty of
6 a felony, which felony shall be known as "trafficking in cocaine" and
7 if the quantity of such substance or mixture involved:

- 8 a. Is 28 grams or more, but less than 200 grams, such person shall
9 be punished as a Class G felon and shall be sentenced to a
10 minimum term of 35 months and a maximum term of 42
11 months in the State's prison and shall be fined not less than fifty
12 thousand dollars (\$50,000);
13 b. Is 200 grams or more, but less than 400 grams, such person
14 shall be punished as a Class F felon and shall be sentenced to a
15 minimum term of 70 months and a maximum term of 84
16 months in the State's prison and shall be fined not less than one
17 hundred thousand dollars (\$100,000);
18 c. Is 400 grams or more, such person shall be punished as a Class
19 D felon and shall be sentenced to a minimum term of 175
20 months and a maximum term of ~~219~~210 months in the State's
21 prison and shall be fined at least two hundred fifty thousand
22 dollars (\$250,000).

23 (3a) Repealed by Session Laws 1999-370, s. 1, effective December 1, 1999.

24 (3b) Any person who sells, manufactures, delivers, transports, or possesses
25 28 grams or more of methamphetamine or amphetamine shall be guilty
26 of a felony which felony shall be known as "trafficking in
27 methamphetamine or amphetamine" and if the quantity of such
28 substance or mixture involved:

- 29 a. Is 28 grams or more, but less than 200 grams, such person shall
30 be punished as a Class F felon and shall be sentenced to a
31 minimum term of 70 months and a maximum term of 84
32 months in the State's prison and shall be fined not less than fifty
33 thousand dollars (\$50,000);
34 b. Is 200 grams or more, but less than 400 grams, such person
35 shall be punished as a Class E felon and shall be sentenced to a
36 minimum term of 90 months and a maximum term of ~~147~~108
37 months in the State's prison and shall be fined not less than one
38 hundred thousand dollars (\$100,000);
39 c. Is 400 grams or more, such person shall be punished as a Class
40 C felon and shall be sentenced to a minimum term of 225
41 months and a maximum term of ~~279~~270 months in the State's
42 prison and shall be fined at least two hundred fifty thousand
43 dollars (\$250,000).

1 (4) Any person who sells, manufactures, delivers, transports, or possesses
2 four grams or more of opium or opiate, or any salt, compound,
3 derivative, or preparation of opium or opiate (except apomorphine,
4 nalbuphine, analoxone and naltrexone and their respective salts),
5 including heroin, or any mixture containing such substance, shall be
6 guilty of a felony which felony shall be known as "trafficking in opium
7 or heroin" and if the quantity of such controlled substance or mixture
8 involved:

- 9 a. Is four grams or more, but less than 14 grams, such person shall
10 be punished as a Class F felon and shall be sentenced to a
11 minimum term of 70 months and a maximum term of 84
12 months in the State's prison and shall be fined not less than fifty
13 thousand dollars (\$50,000);
14 b. Is 14 grams or more, but less than 28 grams, such person shall
15 be punished as a Class E felon and shall be sentenced to a
16 minimum term of 90 months and a maximum term of ~~117~~108
17 months in the State's prison and shall be fined not less than one
18 hundred thousand dollars (\$100,000);
19 c. Is 28 grams or more, such person shall be punished as a Class C
20 felon and shall be sentenced to a minimum term of 225 months
21 and a maximum term of ~~279~~270 months in the State's prison
22 and shall be fined not less than five hundred thousand dollars
23 (\$500,000).

24 (4a) Any person who sells, manufactures, delivers, transports, or possesses
25 100 tablets, capsules, or other dosage units, or the equivalent quantity,
26 or more, of Lysergic Acid Diethylamide, or any mixture containing
27 such substance, shall be guilty of a felony, which felony shall be
28 known as "trafficking in Lysergic Acid Diethylamide". If the quantity
29 of such substance or mixture involved:

- 30 a. Is 100 or more dosage units, or equivalent quantity, but less
31 than 500 dosage units, or equivalent quantity, such person shall
32 be punished as a Class G felon and shall be sentenced to a
33 minimum term of 35 months and a maximum term of 42
34 months in the State's prison and shall be fined not less than
35 twenty-five thousand dollars (\$25,000);
36 b. Is 500 or more dosage units, or equivalent quantity, but less
37 than 1,000 dosage units, or equivalent quantity, such person
38 shall be punished as a Class F felon and shall be sentenced to a
39 minimum term of 70 months and a maximum term of 84
40 months in the State's prison and shall be fined not less than fifty
41 thousand dollars (\$50,000);
42 c. Is 1,000 or more dosage units, or equivalent quantity, such
43 person shall be punished as a Class D felon and shall be
44 sentenced to a minimum term of 175 months and a maximum

- 1 term of ~~24~~210 months in the State's prison and shall be fined
2 not less than two hundred thousand dollars (\$200,000).
- 3 (4b) Any person who sells, manufactures, delivers, transports, or possesses
4 100 or more tablets, capsules, or other dosage units, or 28 grams or
5 more of 3,4-methylenedioxyamphetamine (MDA), including its salts,
6 isomers, and salts of isomers, or 3,4-methylenedioxymethamphetamine
7 (MDMA), including its salts, isomers, and salts of isomers, or any
8 mixture containing such substances, shall be guilty of a felony, which
9 felony shall be known as "trafficking in MDA/MDMA." If the quantity
10 of the substance or mixture involved:
- 11 a. Is 100 or more tablets, capsules, or other dosage units, but less
12 than 500 tablets, capsules, or other dosage units, or 28 grams or
13 more, but less than 200 grams, the person shall be punished as a
14 Class G felon and shall be sentenced to a minimum term of 35
15 months and a maximum term of 42 months in the State's prison
16 and shall be fined not less than twenty-five thousand dollars
17 (\$25,000);
- 18 b. Is 500 or more tablets, capsules, or other dosage units, but less
19 than 1,000 tablets, capsules, or other dosage units, or 200 grams
20 or more, but less than 400 grams, the person shall be punished
21 as a Class F felon and shall be sentenced to a minimum term of
22 70 months and a maximum term of 84 months in the State's
23 prison and shall be fined not less than fifty thousand dollars
24 (\$50,000);
- 25 c. Is 1,000 or more tablets, capsules, or other dosage units, or 400
26 grams or more, the person shall be punished as a Class D felon
27 and shall be sentenced to a minimum term of 175 months and a
28 maximum term of ~~24~~210 months in the State's prison and shall
29 be fined not less than two hundred fifty thousand dollars
30 (\$250,000).
- 31 (5) Except as provided in this subdivision, a person being sentenced under
32 this subsection may not receive a suspended sentence or be placed on
33 probation. The sentencing judge may reduce the fine, or impose a
34 prison term less than the applicable minimum prison term provided by
35 this subsection, or suspend the prison term imposed and place a person
36 on probation when such person has, to the best of his knowledge,
37 provided substantial assistance in the identification, arrest, or
38 conviction of any accomplices, accessories, co-conspirators, or
39 principals if the sentencing judge enters in the record a finding that the
40 person to be sentenced has rendered such substantial assistance.
- 41 (6) Sentences imposed pursuant to this subsection shall run consecutively
42 with and shall commence at the expiration of any sentence being
43 served by the person sentenced hereunder.

1 (i) The penalties provided in subsection (h) of this section shall also apply to any
2 person who is convicted of conspiracy to commit any of the offenses described in
3 subsection (h) of this section."

4 **SECTION 14.** This act becomes effective December 1, 2005, and applies to
5 offenses committed on or after that date.