

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 77

Short Title: Felony To Possess Cocaine.

(Public)

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Sponsors: Senators Sands; Block, Daniel, Sherron, Swain, Winner, and Basnight.

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Referred to: Judiciary II.

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January 31, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE THE POSSESSION OF ANY AMOUNT OF COCAINE A  
FELONY.

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, including one-half gram or more of phencyclidine, the violation shall be punishable as a Class I felony. If the controlled substance is ~~one gram or more of 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

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

5 (3) A controlled substance classified in Schedule V shall be guilty of a  
6 misdemeanor and shall be sentenced to a term of imprisonment of not  
7 more than six months or fined not more than five hundred dollars  
8 (\$500.00), or both in the discretion of the court;

9 (4) A controlled substance classified in Schedule VI shall be guilty of a  
10 misdemeanor and shall be sentenced to a term of imprisonment of not  
11 more than 30 days or fined not more than one hundred dollars  
12 (\$100.00), or both, in the discretion of the court, but any sentence of  
13 imprisonment imposed must be suspended and the judge may not  
14 require at the time of sentencing that the defendant serve a period of  
15 imprisonment as a special condition of probation. If the quantity of the  
16 controlled substance exceeds one-half of an ounce (avoirdupois) of  
17 marijuana or one-twentieth of an ounce (avoirdupois) of the extracted  
18 resin of marijuana, commonly known as hashish, the violation shall be  
19 punishable as a general misdemeanor. If the quantity of the controlled  
20 substance exceeds one and one-half ounces (avoirdupois) of marijuana  
21 or three-twentieths of an ounce (avoirdupois) of the extracted resin of  
22 marijuana, commonly known as hashish, or if the controlled substance  
23 consists of any quantity of synthetic tetrahydrocannabinols or  
24 tetrahydrocannabinols isolated from the resin of marijuana, the  
25 violation shall be punishable as a Class I felony."

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