

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 508  
Second Edition Engrossed 5/16/91  
Senate Judiciary II Committee Substitute Adopted 7/24/92

Short Title: Felony to Fortify Drug House.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PUNISHMENT TO A FELONY FOR FORTIFICATION OF A STRUCTURE USED FOR ILLEGAL CONTROLLED SUBSTANCE ACTIVITY FOR THE PURPOSE OF IMPEDING LAW ENFORCEMENT ENTRY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-108 reads as rewritten:

**"§ 90-108. Prohibited acts; penalties.**

(a) It shall be unlawful for any person:

- (1) Other than practitioners licensed under Articles 1, 2, 4, 6, 11, 12A of this Chapter to represent to any registrant or practitioner who manufactures, distributes, or dispenses a controlled substance under the provision of this Article that he is a licensed practitioner in order to secure or attempt to secure any controlled substance as defined in this Article or to in any way impersonate a practitioner for the purpose of securing or attempting to secure any drug requiring a prescription from a practitioner as listed above and who is licensed by this State;
- (2) Who is subject to the requirements of G.S. 90-101 or a practitioner to distribute or dispense a controlled substance in violation of G.S. 90-105 or 90-106;

- 1 (3) Who is a registrant to manufacture, distribute, or dispense a controlled  
2 substance not authorized by his registration to another registrant or  
3 other authorized person;
- 4 (4) To omit, remove, alter, or obliterate a symbol required by the Federal  
5 Controlled Substances Act or its successor;
- 6 (5) To refuse or fail to make, keep, or furnish any record, notification,  
7 order form, statement, invoice or information required under this  
8 Article;
- 9 (6) To refuse any entry into any premises or inspection authorized by this  
10 Article;
- 11 (7) To knowingly keep or maintain any store, shop, warehouse, dwelling  
12 house, building, vehicle, boat, aircraft, or any place whatever, which is  
13 resorted to by persons using controlled substances in violation of this  
14 Article for the purpose of using such substances, or which is used for  
15 the keeping or selling of the same in violation of this Article;
- 16 (8) Who is a registrant or a practitioner to distribute a controlled substance  
17 included in Schedule I or II of this Article in the course of his  
18 legitimate business, except pursuant to an order form as required by  
19 G.S. 90-105;
- 20 (9) To use in the course of the manufacture or distribution of a controlled  
21 substance a registration number which is fictitious, revoked,  
22 suspended, or issued to another person;
- 23 (10) To acquire or obtain possession of a controlled substance by  
24 misrepresentation, fraud, forgery, deception, or subterfuge;
- 25 (11) To furnish false or fraudulent material information in, or omit any  
26 material information from, any application, report, or other document  
27 required to be kept or filed under this Article, or any record required to  
28 be kept by this Article;
- 29 (12) To make, distribute, or possess any punch, die, plate, stone, or other  
30 thing designed to print, imprint, or reproduce the trademark, trade  
31 name, or other identifying mark, imprint, or device of another or any  
32 likeness of any of the foregoing upon any drug or container or labeling  
33 thereof so as to render such drug a counterfeit controlled substance;
- 34 (13) To obtain controlled substances through the use of legal prescriptions  
35 which have been obtained by the knowing and willful  
36 misrepresentation to or by the intentional withholding of information  
37 from one or more practitioners;
- 38 (14) Who is an employee of a registrant or practitioner and who is  
39 authorized to possess controlled substances or has access to controlled  
40 substances by virtue of his employment, to embezzle or fraudulently or  
41 knowingly and willfully misapply or divert to his own use or other  
42 unauthorized or illegal use or to take, make away with or secrete, with  
43 intent to embezzle or fraudulently or knowingly and willfully misapply  
44 or divert to his own use or other unauthorized or illegal use any

1 controlled substance which shall have come into his possession or  
2 under his care.

3 (b) Any person who violates this section shall be guilty of a misdemeanor.  
4 Provided, that if the criminal pleading alleges that the violation was committed  
5 intentionally, and upon trial it is specifically found that the violation was committed  
6 intentionally, such violations shall be a Class I felony. A person who violates  
7 subdivision (7) of subsection (a) of this section and also fortifies the structure, with the  
8 intent to impede law enforcement entry, by barricading windows and doors shall be  
9 punished as a Class I felon."

10 Sec. 2. This act becomes effective October 1, 1992, and applies to offenses  
11 committed on or after that date.