

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 831

Short Title: Possess Firearm/Drug Offense.

(Public)

Sponsors: Senators Rand, Carrington, Soles, Parnell, Hoyle, Hobbs, Perdue, Conder, and Plyler.

Referred to: Judiciary II/Election Laws

April 25, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE ENHANCED PUNISHMENT FOR A FELON WHO USES,
2 DISPLAYS, OR THREATENS TO USE OR DISPLAY A FIREARM DURING THE
3 COMMISSION OF A FELONIOUS DRUG OFFENSE.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 15A-1340.16A reads as rewritten:

7 "**§ 15A-1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1, B2,
8 C, D, or E felony or any felonious drug offense, and the defendant used,
9 displayed, or threatened to use or display a firearm during the commission
10 of the felony.**

11 (a) If a person is convicted ~~of a of:~~ (i) a Class A, B1, B2, C, D, or E ~~felony-felony~~,
12 or (ii) a felony under G.S. 90-95, and the court finds that the person used, displayed, or
13 threatened to use or display a firearm at the time of the felony, the court shall increase the
14 minimum term of imprisonment to which the person is sentenced by 60 months. The
15 court shall not suspend the 60-month minimum term of imprisonment imposed as an
16 enhanced sentence under this section and shall not place any person sentenced under this
17 section on probation for the enhanced sentence.

18 (b) Subsection (a) of this section does not apply in any of the following
19 circumstances:

- 1 (1) The person is not sentenced to an active term of imprisonment.
2 (2) The evidence of the use, display, or threatened use or display of a
3 firearm is needed to prove an element of the underlying Class A, B1,
4 B2, C, D, or E felony.
5 (3) The person did not actually possess a firearm about his or her person."
6 Sec. 2. This act becomes effective December 1, 1995, and applies to offenses
7 committed on or after that date.