

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1090

Short Title: Possess Marijuana/Increase Penalty.

(Public)

Sponsors: Representatives Wicker; and Miller.

Referred to: Judiciary.

April 7, 1989

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR POSSESSION 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, 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 equivalent or identical with any of these substances (except

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1 decocanized coca leaves or any extraction of coca leaves which does
2 not contain cocaine or ecgonine), the violation shall be punishable as a
3 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 days~~; fined not more than ~~one~~—five hundred
11 dollars (~~\$100.00~~), (~~\$500.00~~) or ordered to perform not less than 24
12 hours of community service; or both in the discretion of the court, but
13 any sentence of imprisonment imposed must be suspended and the
14 judge may not require at the time of sentencing that the defendant
15 serve a period of imprisonment as a special condition of probation. If
16 the quantity of the controlled substance exceeds one-half of an ounce
17 (avoirdupois) of marijuana or one-twentieth of an ounce (avoirdupois)
18 of the extracted resin of marijuana, commonly known as hashish, the
19 violation shall be punishable as a general misdemeanor. If the quantity
20 of the controlled substance exceeds one and one-half ounces
21 (avoirdupois) of marijuana or three-twentieths of an ounce
22 (avoirdupois) of the extracted resin of marijuana, commonly known as
23 hashish, or if the controlled substance consists of any quantity of
24 synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from
25 the resin of marijuana, the violation shall be punishable as a Class I
26 felony."

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