

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 366

Short Title: Marijuana Trafficking.

(Public)

Sponsors: Senators Carter; and Carpenter.

Referred to: Judiciary II.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT POSSESSION OF ONE HUNDRED MARIJUANA PLANTS IS A FELONY AND TO REDUCE TO TEN POUNDS THE MINIMUM AMOUNT FOR TRAFFICKING IN MARIJUANA.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-95(h)(1) reads as rewritten:

"(1) Any person who sells, manufactures, delivers, transports, or possesses in excess of ~~50-10~~ pounds (avoirdupois) of ~~marijuana-marijuana~~, or at least 100 marijuana plants with no minimum weight threshold, shall be guilty of a felony which felony shall be known as 'trafficking in marijuana' and if the quantity of such substance involved:

a. Is in excess of ~~50-10~~ pounds, but less than 100 pounds, such person shall be punished as a Class H felon and shall be sentenced to a term of at least five years in the State's prison and shall be fined not less than five thousand dollars (\$5,000);

a1. Consists of 100 or more marijuana plants, such person shall be punished as a Class H felon and shall be sentenced to a term of at least five years in the State's prison and shall be fined not less than five thousand dollars (\$5,000);

b. Is 100 pounds or more, but less than 2,000 pounds, such person shall be punished as a Class G felon and shall be sentenced to a term of at least seven years in the State's prison and shall be fined not less than twenty-five thousand dollars (\$25,000);

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2                   person shall be punished as a Class F felon and shall be  
3                   sentenced to a term of at least 14 years in the State's prison and  
4                   shall be fined not less than fifty thousand dollars (\$50,000);  
5                   d.     Is 10,000 pounds or more, such person shall be punished as a  
6                   Class D felon and shall be sentenced to a term of at least 35  
7                   years in the State's prison and shall be fined not less than two  
8                   hundred thousand dollars (\$200,000)."

9                   Sec. 2. This act becomes effective October 1, 1991, and applies to offenses  
10                  occurring on or after that date.