

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 745
Judiciary II Committee Substitute Adopted 4/17/01

Short Title: Post-Release Supervision Changes/Sent. Commn. (Public)

Sponsors:

Referred to:

April 2, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD
3 TO POST-RELEASE SUPERVISION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-1340.11 is amended by adding a new subdivision to
6 read:

7 "(6a) Post-release supervision. – The time for which a sentenced prisoner is
8 supervised in the community following the termination of the
9 prisoner's maximum prison term, controlled by the rules and
10 conditions of Article 84A of this Chapter."

11 **SECTION 2.** G.S. 15A-1340.13(b) reads as rewritten:

12 "(b) Procedure Generally; Requirements of Judgment; Kinds of Sentences. –
13 Before imposing a sentence, the court shall determine the prior record level for the
14 offender pursuant to G.S. 15A-1340.14. The sentence shall contain a sentence
15 disposition specified for the class of offense and prior record level, and its minimum
16 term of imprisonment shall be within the range specified for the class of offense and
17 prior record level, unless applicable statutes require or authorize another minimum
18 sentence of imprisonment. For Class B1, B2, C, D, E, and F felony offenses, the
19 sentence shall include a period of post-release supervision pursuant to G.S.
20 15A-1340.18. The kinds of sentence dispositions are active punishment, intermediate
21 punishment, and community punishment."

22 **SECTION 3.** G.S. 15A-1340.17 reads as rewritten:

23 **"§ 15A-1340.17. Punishment limits for each class of offense and prior record level.**

24 (a) Offense Classification; Default Classifications. – The offense classification is
25 as specified in the offense for which the sentence is being imposed. If the offense is a
26 felony for which there is no classification, it is a Class I felony.

27 (b) Fines. – Any judgment that includes a sentence of imprisonment may also
28 include a fine. If a community punishment is authorized, the judgment may consist of a
29 fine only. Additionally, when the defendant is other than an individual, the judgment

1 may consist of a fine only. Unless otherwise provided, the amount of the fine is in the
2 discretion of the court.

3 (c) Punishments for Each Class of Offense and Prior Record Level; Punishment
4 Chart Described. – The authorized punishment for each class of offense and prior record
5 level is as specified in the chart ~~below.~~ below and under G.S. 15A-1340.18. Prior record
6 levels are indicated by the Roman numerals placed horizontally on the top of the chart.
7 Classes of offense are indicated by the letters placed vertically on the left side of the
8 chart. Each cell on the chart contains the following components:

- 9 (1) A sentence disposition or dispositions: 'C' indicates that a community
10 punishment is authorized; 'I' indicates that an intermediate punishment
11 is authorized; 'A' indicates that an active punishment is authorized; and
12 'Life Imprisonment Without Parole' indicates that the defendant shall
13 be imprisoned for the remainder of the prisoner's natural life.
- 14 (2) A presumptive range of minimum durations, if the sentence of
15 imprisonment is neither aggravated or mitigated; any minimum term of
16 imprisonment in that range is permitted unless the court finds pursuant
17 to G.S. 15A-1340.16 that an aggravated or mitigated sentence is
18 appropriate. The presumptive range is the middle of the three ranges in
19 the cell.
- 20 (3) A mitigated range of minimum durations if the court finds pursuant to
21 G.S. 15A-1340.16 that a mitigated sentence of imprisonment is
22 justified; in such a case, any minimum term of imprisonment in the
23 mitigated range is permitted. The mitigated range is the lower of the
24 three ranges in the cell.
- 25 (4) An aggravated range of minimum durations if the court finds pursuant
26 to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is
27 justified; in such a case, any minimum term of imprisonment in the
28 aggravated range is permitted. The aggravated range is the higher of
29 the three ranges in the cell.

31 **PRIOR RECORD LEVEL**

	I	II	III	IV	V	VI	
	0 Pts	1-4 Pts	5-8 Pts	9-14 Pts	15-18 Pts	19+ Pts	
35 A	Life Imprisonment Without Parole or Death as Established by Statute						
36	A	A	A	A	A	A	DISPOSITION
37	240-300	288-360	336-420	384-480	Life Imprisonment Without Parole		Aggravated
38							
39 B1	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE
40	144-192	173-230	202-269	230-307	260-346	288-384	Mitigated
41	A	A	A	A	A	A	DISPOSITION
42	157-196	189-237	220-276	251-313	282-353	313-392	Aggravated

1	B2	125-157	151-189	176-220	201-251	225-282	251-313	PRESUMPTIVE
2		94-125	114-151	132-176	151-201	169-225	188-251	Mitigated
3		A	A	A	A	A	A	DISPOSITION
4		73-92	100-125	116-145	133-167	151-188	168-210	Aggravated
5	C	58-73	80-100	93-116	107-133	121-151	135-168	PRESUMPTIVE
6		44-58	60-80	70-93	80-107	90-121	101-135	Mitigated
7		A	A	A	A	A	A	DISPOSITION
8		64-80	77-95	103-129	117-146	133-167	146-183	Aggravated
9	D	51-64	61-77	82-103	94-117	107-133	117-146	PRESUMPTIVE
10		38-51	46-61	61-82	71-94	80-107	88-117	Mitigated
11		I/A	I/A	A	A	A	A	DISPOSITION
12		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated
13	E	20-25	23-29	27-34	37-46	42-53	47-59	PRESUMPTIVE
14		15-20	17-23	20-27	28-37	32-42	35-47	Mitigated
15		I/A	I/A	I/A	A	A	A	DISPOSITION
16		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
17	F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE
18		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
19		I/A	I/A	I/A	I/A	A	A	DISPOSITION
20		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
21	G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
22		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
23		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
24		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
25	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
26		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
27		C	C/I	I	I/A	I/A	I/A	DISPOSITION
28		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
29	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
30		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated

(d) Maximum Sentences Specified for ~~Class F through Class I Felonies.~~ Class B1 Felonies Through Class I Felonies for Minimum Terms up to 346 Months. – Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for ~~Class F-B1~~ through Class I felonies. The first figure in each cell in the table is the minimum term and the second is the maximum term.

40	3-4	4-5	5-6	6-8	7-9	8-10	9-11	10-12
41	11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
42	19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32

1	<u>27-33</u>	<u>28-34</u>	<u>29-35</u>	<u>30-36</u>	<u>31-38</u>	<u>32-39</u>	<u>33-40</u>	<u>34-41</u>
2	<u>35-42</u>	<u>36-44</u>	<u>37-45</u>	<u>38-46</u>	<u>39-47</u>	<u>40-48</u>	<u>41-50</u>	<u>42-51</u>
3	<u>43-52</u>	<u>44-53</u>	<u>45-54</u>	<u>46-56</u>	<u>47-57</u>	<u>48-58</u>	<u>49-59</u>	<u>50-60</u>
4	<u>51-61</u>	<u>52-62</u>	<u>53-64</u>	<u>54-65</u>	<u>55-66</u>	<u>56-67</u>	<u>57-68</u>	<u>58-70</u>
5	<u>59-71</u>	<u>60-72</u>	<u>61-73</u>	<u>62-74</u>	<u>63-76</u>	<u>64-77</u>	<u>65-78</u>	<u>66-79</u>
6	<u>67-80</u>	<u>68-82</u>	<u>69-83</u>	<u>70-84</u>	<u>71-85</u>	<u>72-86</u>	<u>73-88</u>	<u>74-89</u>
7	<u>75-90</u>	<u>76-91</u>	<u>77-92</u>	<u>78-94</u>	<u>79-95</u>	<u>80-96</u>	<u>81-97</u>	<u>82-98</u>
8	<u>83-100</u>	<u>84-101</u>	<u>85-102</u>	<u>86-103</u>	<u>87-104</u>	<u>88-106</u>	<u>89-107</u>	<u>90-108</u>
9	<u>91-109</u>	<u>92-110</u>	<u>93-112</u>	<u>94-113</u>	<u>95-114</u>	<u>96-115</u>	<u>97-116</u>	<u>98-118</u>
10	<u>99-119</u>	<u>100-120</u>	<u>101-121</u>	<u>102-122</u>	<u>103-124</u>	<u>104-125</u>	<u>105-126</u>	<u>106-127</u>
11	<u>107-128</u>	<u>108-130</u>	<u>109-131</u>	<u>110-132</u>	<u>111-133</u>	<u>112-134</u>	<u>113-136</u>	<u>114-137</u>
12	<u>115-138</u>	<u>116-139</u>	<u>117-140</u>	<u>118-142</u>	<u>119-143</u>	<u>120-144</u>	<u>121-145</u>	<u>122-146</u>
13	<u>123-148</u>	<u>124-149</u>	<u>125-150</u>	<u>126-151</u>	<u>127-152</u>	<u>128-154</u>	<u>129-155</u>	<u>130-156</u>
14	<u>131-157</u>	<u>132-158</u>	<u>133-160</u>	<u>134-161</u>	<u>135-162</u>	<u>136-163</u>	<u>137-164</u>	<u>138-166</u>
15	<u>139-167</u>	<u>140-168</u>	<u>141-169</u>	<u>142-170</u>	<u>143-172</u>	<u>144-173</u>	<u>145-174</u>	<u>146-175</u>
16	<u>147-176</u>	<u>148-178</u>	<u>149-179</u>	<u>150-180</u>	<u>151-181</u>	<u>152-182</u>	<u>153-184</u>	<u>154-185</u>
17	<u>155-186</u>	<u>156-187</u>	<u>157-188</u>	<u>158-190</u>	<u>159-191</u>	<u>160-192</u>	<u>161-193</u>	<u>162-194</u>
18	<u>163-196</u>	<u>164-197</u>	<u>165-198</u>	<u>166-199</u>	<u>167-200</u>	<u>168-202</u>	<u>169-203</u>	<u>170-204</u>
19	<u>171-205</u>	<u>172-206</u>	<u>173-208</u>	<u>174-209</u>	<u>175-210</u>	<u>176-211</u>	<u>177-212</u>	<u>178-214</u>
20	<u>179-215</u>	<u>180-216</u>	<u>181-217</u>	<u>182-218</u>	<u>183-220</u>	<u>184-221</u>	<u>185-222</u>	<u>186-223</u>
21	<u>187-224</u>	<u>188-226</u>	<u>189-227</u>	<u>190-228</u>	<u>191-229</u>	<u>192-230</u>	<u>193-232</u>	<u>194-233</u>
22	<u>195-234</u>	<u>196-235</u>	<u>197-236</u>	<u>198-238</u>	<u>199-239</u>	<u>200-240</u>	<u>201-241</u>	<u>202-242</u>
23	<u>203-244</u>	<u>204-245</u>	<u>205-246</u>	<u>206-247</u>	<u>207-248</u>	<u>208-250</u>	<u>209-251</u>	<u>210-252</u>
24	<u>211-253</u>	<u>212-254</u>	<u>213-256</u>	<u>214-257</u>	<u>215-258</u>	<u>216-259</u>	<u>217-260</u>	<u>218-262</u>
25	<u>219-263</u>	<u>220-264</u>	<u>221-265</u>	<u>222-266</u>	<u>223-268</u>	<u>224-269</u>	<u>225-270</u>	<u>226-271</u>
26	<u>227-272</u>	<u>228-274</u>	<u>229-275</u>	<u>230-276</u>	<u>231-277</u>	<u>232-278</u>	<u>233-280</u>	<u>234-281</u>
27	<u>235-282</u>	<u>236-283</u>	<u>237-284</u>	<u>238-286</u>	<u>239-287</u>	<u>240-288</u>	<u>241-289</u>	<u>242-290</u>
28	<u>243-292</u>	<u>244-293</u>	<u>245-294</u>	<u>246-295</u>	<u>247-296</u>	<u>248-298</u>	<u>249-299</u>	<u>250-300</u>
29	<u>251-301</u>	<u>252-302</u>	<u>253-304</u>	<u>254-305</u>	<u>255-306</u>	<u>256-307</u>	<u>257-308</u>	<u>258-310</u>
30	<u>259-311</u>	<u>260-312</u>	<u>261-313</u>	<u>262-314</u>	<u>263-316</u>	<u>264-317</u>	<u>265-318</u>	<u>266-319</u>
31	<u>267-320</u>	<u>268-322</u>	<u>269-323</u>	<u>270-324</u>	<u>271-325</u>	<u>272-326</u>	<u>273-328</u>	<u>274-329</u>
32	<u>275-330</u>	<u>276-331</u>	<u>277-332</u>	<u>278-334</u>	<u>279-335</u>	<u>280-336</u>	<u>281-337</u>	<u>282-338</u>
33	<u>283-340</u>	<u>284-341</u>	<u>285-342</u>	<u>286-343</u>	<u>287-344</u>	<u>288-346</u>	<u>289-347</u>	<u>290-348</u>
34	<u>291-349</u>	<u>292-350</u>	<u>293-352</u>	<u>294-353</u>	<u>295-354</u>	<u>296-355</u>	<u>297-356</u>	<u>298-358</u>
35	<u>299-359</u>	<u>300-360</u>	<u>301-361</u>	<u>302-362</u>	<u>303-364</u>	<u>304-365</u>	<u>305-366</u>	<u>306-367</u>
36	<u>307-368</u>	<u>308-370</u>	<u>309-371</u>	<u>310-372</u>	<u>311-373</u>	<u>312-374</u>	<u>313-376</u>	<u>314-377</u>
37	<u>315-378</u>	<u>316-379</u>	<u>317-380</u>	<u>318-382</u>	<u>319-383</u>	<u>320-384</u>	<u>321-385</u>	<u>322-386</u>
38	<u>323-388</u>	<u>324-389</u>	<u>325-390</u>	<u>326-391</u>	<u>327-392</u>	<u>328-394</u>	<u>329-395</u>	<u>330-396</u>
39	<u>331-397</u>	<u>332-398</u>	<u>333-400</u>	<u>334-401</u>	<u>335-402</u>	<u>336-403</u>	<u>337-404</u>	<u>338-406</u>
40	<u>339-407</u>	<u>340-408</u>	<u>341-409</u>	<u>342-410</u>	<u>343-412</u>	<u>344-413</u>	<u>345-414</u>	<u>346-415</u>
41								

(e) ~~Maximum Sentences Specified for Class B1 through Class E Felonies for Minimum Terms up to 339 Months. Unless provided otherwise in a statute establishing a punishment for a specific crime, for each minimum term of imprisonment in the chart in subsection (c) of this section, expressed in months, the corresponding maximum term of imprisonment, also expressed in months, is as specified in the table below for Class B1 through Class E felonies. The first figure in each cell of the table is the minimum term and the second is the maximum term.~~

9	15-27	16-29	17-30	18-31	19-32	20-33	21-35	22-36
10	23-37	24-38	25-39	26-41	27-42	28-43	29-44	30-45
11	31-47	32-48	33-49	34-50	35-51	36-53	37-54	38-55
12	39-56	40-57	41-59	42-60	43-61	44-62	45-63	46-65
13	47-66	48-67	49-68	50-69	51-71	52-72	53-73	54-74
14	55-75	56-77	57-78	58-79	59-80	60-81	61-83	62-84
15	63-85	64-86	65-87	66-89	67-90	68-91	69-92	70-93
16	71-95	72-96	73-97	74-98	75-99	76-101	77-102	78-103
17	79-104	80-105	81-107	82-108	83-109	84-110	85-111	86-113
18	87-114	88-115	89-116	90-117	91-119	92-120	93-121	94-122
19	95-123	96-125	97-126	98-127	99-128	100-129	101-131	102-132
20	103-133	104-134	105-135	106-137	107-138	108-139	109-140	110-141
21	111-143	112-144	113-145	114-146	115-147	116-149	117-150	118-151
22	119-152	120-153	121-155	122-156	123-157	124-158	125-159	126-161
23	—————	127-162	128-163	129-164	130-165	131-167	132-168	133-169
24		134-170						
25	135-171	136-173	137-174	138-175	139-176	140-177	141-179	142-180
26	143-181	144-182	145-183	146-185	147-186	148-187	149-188	150-189
27	151-191	152-192	153-193	154-194	155-195	156-197	157-198	158-199
28	159-200	160-201	161-203	162-204	163-205	164-206	165-207	166-209
29	167-210	168-211	169-212	170-213	171-215	172-216	173-217	174-218
30	175-219	176-221	177-222	178-223	179-224	180-225	181-227	182-228
31	183-229	184-230	185-231	186-233	187-234	188-235	189-236	190-237
32	191-239	192-240	193-241	194-242	195-243	196-245	197-246	198-247
33	199-248	200-249	201-251	202-252	203-253	204-254	205-255	206-257
34	207-258	208-259	209-260	210-261	211-263	212-264	213-265	214-266
35	215-267	216-269	217-270	218-271	219-272	220-273	221-275	222-276
36	223-277	224-278	225-279	226-281	227-282	228-283	229-284	230-285
37	231-287	232-288	233-289	234-290	235-291	236-293	237-294	238-295
38	239-296	240-297	241-299	242-300	243-301	244-302	245-303	246-305
39	247-306	248-307	249-308	250-309	251-311	252-312	253-313	254-314
40	255-315	256-317	257-318	258-319	259-320	260-321	261-323	262-324
41	263-325	264-326	265-327	266-329	267-330	268-331	269-332	270-333
42	271-335	272-336	273-337	274-338	275-339	276-341	277-342	278-343

1 279-344 280-345 281-347 282-348 283-349 284-350 285-351 286-353
2 287-354 288-355 289-356 290-357 291-359 292-360 293-361 294-362
3 295-363 296-365 297-366 298-367 299-368 300-369 301-371 302-372
4 303-373 304-374 305-375 306-377 307-378 308-379 309-380 310-381
5 311-383 312-384 313-385 314-386 315-387 316-389 317-390 318-391
6 319-392 320-393 321-395 322-396 323-397 324-398 325-399 326-401
7 327-402 328-403 329-404 330-405 331-407 332-408 333-409 334-410
8 335-411 336-413 337-414 338-415 339-416

9

10 (e1) Maximum Sentences Specified for Class B1 through Class ~~E-I~~ Felonies for
11 Minimum Terms of ~~340~~347 Months or More. – Unless provided otherwise in a statute
12 establishing a punishment for a specific crime, when the minimum sentence is ~~340~~347
13 months or more, the corresponding maximum term of imprisonment shall be equal to
14 the sum of the minimum term of imprisonment and twenty percent (20%) of the
15 minimum term of imprisonment, rounded to the next highest ~~month, plus nine additional~~
16 ~~months.~~month."

17 **SECTION 4.** Article 81B of Chapter 15A of the General Statutes is
18 amended by adding a new section to read:

19 "**§ 15A-1340.18. Post-release supervision.**

20 (a) Except as provided in subsection (b) of this section, the court must also
21 impose a period of post-release supervision to follow the term of imprisonment and an
22 additional term of imprisonment to be served upon revocation of the period of post-
23 release supervision on all offenders convicted of a Class B1, B2, C, D, E, or F felony
24 offense. The period of supervision and the term of imprisonment are as follows:

25 (1) Period of supervision. – The period of post-release supervision shall be
26 nine months, unless the offense is a Class B1 through F offense for
27 which registration is required pursuant to Article 27A of Chapter 14 of
28 the General Statutes. For offenses subject to the registration
29 requirement of Article 27A of Chapter 14 of the General Statutes, the
30 period of post-release supervision is five years. However, the period of
31 post-release supervision is not less than nine months and not more than
32 five years for G.S. 14-41 (abduction of children), G.S. 14-43.3
33 (felonious restraint), and G.S. 14-178 (incest between certain near
34 relatives) if the court expressly finds that it is reasonably unlikely that
35 the defendant's harmful or abusive conduct will not recur.

36 (2) Term of imprisonment. – The term of imprisonment upon revocation
37 of post-release supervision shall be for a minimum term of seven
38 months and a maximum term of nine months.

39 (b) If an offender is convicted of a Class B1, B2, C, D, E, or F felony offense and
40 receives a sentence of imprisonment, then the court may decline to impose post-release
41 supervision if it makes a finding of facts which indicate post-release supervision would
42 not be necessary in that case. If an offender is convicted of a Class B1 felony offense

1 and receives a sentence of life imprisonment without parole, then post-release
2 supervision shall not be imposed.

3 (c) If the court imposes an intermediate punishment on an offender who is
4 required to receive post-release supervision under subsection (a) of this section, then the
5 period of post-release supervision is suspended.

6 (d) Provisions of Article 84A of this Chapter apply to judgments entered
7 pursuant to this section."

8 **SECTION 5.** G.S. 15A-1342(c) reads as rewritten:

9 "(c) Conditions; Suspended Sentence. – When the court places a convicted
10 offender on probation, it must determine conditions of probation as provided in G.S.
11 15A-1343. In addition, it must impose a suspended sentence of imprisonment,
12 determined as provided in Article 83, Imprisonment, which may be activated upon
13 violation of conditions of probation. Suspension of a term of imprisonment also
14 suspends any period of post-release supervision that may be imposed for that offense."

15 **SECTION 5.1.** G.S. 15A-1344(d) reads as rewritten:

16 "(d) Extension and Modification; Response to Violations. – At any time prior to
17 the expiration or termination of the probation period, the court may after notice and
18 hearing and for good cause shown extend the period of probation up to the maximum
19 allowed under G.S. 15A-1342(a) and may modify the conditions of probation. The
20 probation period shall be tolled if the probationer shall have pending against him
21 criminal charges in any court of competent jurisdiction, which, upon conviction, could
22 result in revocation proceedings against him for violation of the terms of this probation.
23 The hearing may be held in the absence of the defendant, if he fails to appear for the
24 hearing after a reasonable effort to notify him. If a convicted defendant violates a
25 condition of probation at any time prior to the expiration or termination of the period of
26 probation, the court, in accordance with the provisions of G.S. 15A-1345, may continue
27 him on probation, with or without modifying the conditions, may place the defendant on
28 special probation as provided in subsection (e), or, if continuation, modification, or
29 special probation is not appropriate, may revoke the probation and activate the
30 suspended sentence and any post-release supervision imposed at the time of initial
31 sentencing, if any, or may order that charges as to which prosecution has been deferred
32 be brought to trial; provided that probation may not be revoked solely for conviction of
33 a Class 3 misdemeanor. The court, before activating a sentence to imprisonment
34 established when the defendant was placed on probation, may reduce the sentence, but
35 the reduction shall be consistent with subsection (d1) of this section. A sentence
36 activated upon revocation of probation commences on the day probation is revoked and
37 runs concurrently with any other period of probation, parole, or imprisonment to which
38 the defendant is subject during that period unless the revoking judge specifies that it is
39 to run consecutively with the other period."

40 **SECTION 6.** G.S. 15A-1354 reads as rewritten:

41 **"§ 15A-1354. Concurrent and consecutive terms of imprisonment.**

1 (a) Authority of Court. – When multiple sentences of imprisonment are imposed
2 on a person at the same time or when a term of imprisonment is imposed on a person
3 who is already subject to an undischarged term of imprisonment, including a term of
4 imprisonment in another jurisdiction, the sentences may run either concurrently or
5 consecutively, as determined by the court. If not specified or not required by statute to
6 run consecutively, sentences shall run concurrently.

7 (b) Effect of Consecutive Terms. – In determining the effect of consecutive
8 sentences imposed under authority of this Article and the manner in which they will be
9 served, the Department of Correction must treat the defendant as though he has been
10 committed for a single term with the following incidents:

11 (1) The maximum prison sentence consists of the total of the maximum
12 terms of the consecutive sentences, ~~less nine months for each of the~~
13 ~~second and subsequent sentences imposed for Class B through Class E~~
14 ~~felonies; and sentences; and~~

15 (2) The minimum term consists of the total of the minimum terms of the
16 consecutive sentences.

17 (c) Post-Release Supervision. – When multiple periods of post-release
18 supervision are imposed on a person, either at the same time or in addition to existing
19 periods of supervision, the periods of post-release supervision are consolidated to run as
20 a single period and begin at the conclusion of all terms of imprisonment."

21 **SECTION 7.** G.S. 15A-1368(a) reads as rewritten:

22 "(a) The following words have the listed meaning in this Article:

23 (1) Post-release supervision or supervision. – The time for which a
24 sentenced prisoner is ~~released from prison before~~ supervised in the
25 community following the termination of his ~~the prisoner's~~ maximum
26 prison term, controlled by the rules and conditions of this Article.
27 Purposes of post-release supervision include all or any of the
28 following: to monitor and control the prisoner in the community, to
29 assist the prisoner in reintegrating into society, to collect restitution
30 and other court indebtedness from the prisoner, and to continue the
31 prisoner's treatment or education.

32 (2) Supervisee. – A person released from incarceration and in the custody
33 of the Department of Correction and Post-Release Supervision and
34 Parole Commission on post-release supervision.

35 (3) Commission. – The Post-Release Supervision and Parole Commission,
36 whose general authority is described in G.S. 143B-266.

37 (4) Minimum imposed term. – The minimum term of imprisonment
38 imposed on an individual prisoner by a court judgment, as described in
39 G.S. 15A-1340.13(c). When a prisoner is serving consecutive
40 imprisonment terms, the minimum imposed term, for purposes of this
41 Article, is the sum of all minimum terms imposed in the court
42 judgment.

1 (5) Maximum imposed term. – The maximum term of imprisonment
2 imposed on an individual prisoner by a court judgment, as described in
3 G.S. 15A-1340.13(c). When a prisoner is serving consecutive prison
4 terms, the maximum imposed term, for purposes of this Article, is the
5 sum of all maximum terms imposed in the court judgment or
6 ~~judgments, less nine months for each of the second and subsequent~~
7 ~~sentences imposed for Class B through Class E felonies.~~ judgments."

8 **SECTION 8.** G.S. 15A-1368.1 reads as rewritten:

9 **"§ 15A-1368.1. Applicability of Article 84A.**

10 This Article applies to all felons in Class B1 through Class ~~E-F~~ sentenced to an
11 active punishment under Article 81B of this ~~Chapter, Chapter~~ or G.S. 90-95(h), but does
12 not apply to felons in Class B1 sentenced to life imprisonment without parole. Prisoners
13 subject to Articles 85 and 85A of this Chapter are excluded from this Article's
14 coverage."

15 **SECTION 9.** G.S. 15A-1368.2 reads as rewritten:

16 **"§ 15A-1368.2. Post-release supervision eligibility and procedure.**

17 (a) A prisoner to whom this Article applies shall be released from prison for
18 post-release supervision on the date equivalent to his maximum imposed prison term
19 ~~less nine months, less any earned time awarded by the Department of Correction or the~~
20 ~~custodian of a local confinement facility under G.S. 15A-1340.13(d).~~ If a prisoner has
21 not been awarded any earned time, the prisoner shall be released for post-release
22 supervision on the date equivalent to his maximum prison ~~term less nine months.~~ term.

23 (b) A prisoner shall not refuse post-release supervision.

24 (c) A supervisee's period of post-release supervision shall be for a period of nine
25 months, unless the offense is ~~an a~~ a Class B1 through F offense for which registration is
26 required pursuant to Article 27A of Chapter 14 of the General Statutes. For offenses
27 subject to the registration requirement of Article 27A of Chapter 14 of the General
28 Statutes, the period of post-release supervision is five ~~years.~~ years except for G.S. 14-41
29 (abduction of children), G.S. 14-43.3 (felonious restraint), and G.S. 14-178 (incest
30 between certain near relatives), for which the period of post-release supervision is not
31 less than nine months and not more than five years as determined by the judge at the
32 time of sentencing. The conditions of post-release supervision are as authorized in G.S.
33 ~~15A-1368.5.~~ 15A-1368.4.

34 ~~(d) A supervisee's period of post-release supervision may be reduced while the~~
35 ~~supervisee is under supervision by earned time awarded by the Department of~~
36 ~~Correction, pursuant to rules adopted in accordance with law. A supervisee is eligible to~~
37 ~~receive earned time credit toward the period of supervision for compliance with~~
38 ~~reintegrative conditions described in G.S. 15A-1368.5.~~

39 (e) Repealed by Session Laws 1997-237, s. 7.

40 (f) When a supervisee completes the period of post-release supervision, the
41 sentence or sentences from which the supervisee was placed on post-release supervision
42 are terminated."

1 **SECTION 10.** G.S. 15A-1368.3 reads as rewritten:

2 "**§ 15A-1368.3. Incidents of post-release supervision.**

3 (a) Conditionality. – Post-release supervision is conditional and subject to
4 revocation.

5 (b) Modification. – The Commission may for good cause shown modify the
6 conditions of post-release supervision at any time before the termination of the
7 supervision period.

8 (c) Effect of Violation. – If the supervisee violates a condition, described in G.S.
9 15A-1368.4, at any time before the termination of the supervision period, the
10 Commission may continue the supervisee on the existing supervision, with or without
11 modifying the ~~conditions, or conditions.~~ If the supervisee violates a controlling
12 condition, described in G.S. 15A-1368.4(b), (b1), (e), or (e2), and if continuation or
13 modification is not appropriate, the Commission may revoke post-release supervision as
14 provided in G.S. 15A-1368.6 and reimprison the supervisee for a term consistent with
15 the following requirements:

16 (1) The supervisee will be returned to prison ~~up to the time remaining on~~
17 ~~his maximum imposed term for a minimum term of seven months and~~
18 a maximum term of nine months.

19 (2) The supervisee shall not receive any credit for days on post-release
20 supervision against the maximum term of imprisonment imposed by
21 the court under G.S. 15A-1340.13.

22 (3) Pursuant to Article 19A of Chapter 15, the Department of Correction
23 shall award a prisoner credit against any term of reimprisonment for all
24 time spent in custody as a result of revocation proceedings under G.S.
25 15A-1368.6.

26 (4) The prisoner is eligible to receive earned time credit against the
27 maximum prison term as provided in G.S. 15A-1340.13(d) for time
28 served in prison after the revocation.

29 (d) No Re-Release After Revocation of Post-Release Supervision. – A prisoner
30 who has been reimprisoned prior to completing a post-release supervision period may
31 ~~again not be released again on post-release supervision by the Commission subject to~~
32 ~~the provisions which govern initial release.~~ Commission.

33 (e) Timing of Revocation. – The Commission may revoke post-release
34 supervision for violation of a controlling condition during the period of supervision. The
35 Commission may also revoke post-release supervision following a period of supervision
36 if:

37 (1) Before the expiration of the period of post-release supervision, the
38 Commission has recorded its intent to conduct a revocation hearing;
39 and

40 (2) The Commission finds that every reasonable effort has been made to
41 notify the supervisee and conduct the hearing earlier. Prima facie
42 evidence of reasonable effort to notify is the issuance of a temporary

1 or conditional revocation order, as provided in G.S. 15A-1376, that
2 goes unserved."

3 **SECTION 11.** G.S. 15A-1368.4 reads as rewritten:

4 **"§ 15A-1368.4. Conditions of post-release supervision.**

5 (a) In General. – Conditions of post-release supervision may be reintegrative in
6 nature or designed to control the supervisee's behavior and to enforce compliance with
7 law or judicial order. A supervisee may have his supervision period revoked for any
8 violation of a controlling condition or for repeated violation of a reintegrative condition.
9 ~~Compliance with reintegrative conditions may entitle a supervisee to earned time credits~~
10 ~~as described in G.S. 15A-1368.2(d).~~

11 (b) Required Condition. – The Commission shall provide as an express condition
12 of every release that the supervisee not commit another crime during the period for
13 which the supervisee remains subject to revocation. A supervisee's failure to comply
14 with this controlling condition is a supervision violation for which the supervisee may
15 face revocation as provided in G.S. 15A-1368.3.

16 (b1) Additional Required Conditions for Sex Offenders and Persons Convicted of
17 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the
18 required condition set forth in subsection (b) of this section, for a supervisee who has
19 been convicted of an offense which is a reportable conviction as defined in G.S.
20 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor,
21 controlling conditions, violations of which may result in revocation of post-release
22 supervision, are:

- 23 (1) Register as required by G.S. 14-208.7 if the offense is a reportable
24 conviction as defined by G.S. 14-208.6(4).
- 25 (2) Participate in such evaluation and treatment as is necessary to
26 complete a prescribed course of psychiatric, psychological, or other
27 rehabilitative treatment as ordered by the Commission.
- 28 (3) Not communicate with, be in the presence of, or found in or on the
29 premises of the victim of the offense.
- 30 (4) Not reside in a household with any minor child if the offense is one in
31 which there is evidence of sexual abuse of a minor.
- 32 (5) Not reside in a household with any minor child if the offense is one in
33 which there is evidence of physical or mental abuse of a minor, unless
34 ~~a court of competent jurisdiction~~ the Post-Release Supervision and
35 Parole Commission expressly finds that it is unlikely that the
36 defendant's harmful or abusive conduct will recur and that it would be
37 in the child's best interest to allow the supervisee to reside in the same
38 household with a minor child.

39 (c) Discretionary Conditions. – The Commission, in consultation with the
40 Division of Adult Probation and Parole, may impose reintegrative or controlling
41 conditions on a supervisee it believes reasonably necessary to ensure that the supervisee
42 will lead a law-abiding life or to assist the supervisee to do so.

1 (d) Reintegrative Conditions. – Appropriate reintegrative ~~conditions, for which a~~
2 ~~supervisee may receive earned time credits against the length of the supervision period,~~
3 ~~and repeated violation that may result in revocation of post-release supervision,~~
4 conditions are:

- 5 (1) Work faithfully at suitable employment or faithfully pursue a course of
6 study or vocational training that will equip the supervisee for suitable
7 employment.
- 8 (2) Undergo available medical or psychiatric treatment and remain in a
9 specified institution if required for that purpose.
- 10 (3) Attend or reside in a facility providing rehabilitation, instruction,
11 recreation, or residence for persons on post-release supervision.
- 12 (4) Support the supervisee's dependents and meet other family
13 responsibilities.
- 14 (5) In the case of a supervisee who attended a basic skills program during
15 incarceration, continue attending a basic skills program in pursuit of a
16 General Education Development Degree or adult high school diploma.
- 17 (6) Satisfy other conditions reasonably related to reintegration into
18 society.

19 (e) Controlling Conditions. – Appropriate controlling conditions, violation of
20 which may result in revocation of post-release supervision, are:

- 21 (1) Not use, possess, or control any illegal drug or controlled substance
22 unless it has been prescribed for the supervisee by a licensed physician
23 and is in the original container with the prescription number affixed on
24 it; not knowingly associate with any known or previously convicted
25 users, possessors, or sellers of any such illegal drugs or controlled
26 substances; and not knowingly be present at or frequent any place
27 where such illegal drugs or controlled substances are sold, kept, or
28 used.
- 29 (2) Comply with a court order to pay the costs of reintegrative treatment
30 for a minor and a minor's parents or custodians where the offense
31 involved evidence of physical, mental, or sexual abuse of a minor.
- 32 (3) Comply with a court order to pay court costs and costs for appointed
33 counsel or public defender in the case for which the supervisee was
34 convicted.
- 35 (4) Not possess a firearm, destructive device, or other dangerous weapon
36 unless granted written permission by the Commission or a post-release
37 supervision officer.
- 38 (5) Report to a post-release supervision officer at reasonable times and in
39 a reasonable manner, as directed by the Commission or a post-release
40 supervision officer.
- 41 (6) Permit a post-release supervision officer to visit at reasonable times at
42 the supervisee's home or elsewhere.

- 1 (7) Remain within the geographic limits fixed by the Commission unless
2 granted written permission to leave by the Commission or the
3 post-release supervision officer.
- 4 (8) Answer all reasonable inquiries by the post-release supervision officer
5 and obtain prior approval from the post-release supervision officer for
6 any change in address or employment.
- 7 (9) Promptly notify the post-release supervision officer of any change in
8 address or employment.
- 9 (10) Submit at reasonable times to searches of the supervisee's person by a
10 post-release supervision officer for purposes reasonably related to the
11 post-release supervision. The Commission shall not require as a
12 condition of post-release supervision that the supervisee submit to any
13 other searches that would otherwise be unlawful. Whenever the search
14 consists of testing for the presence of illegal drugs, the supervisee may
15 also be required to reimburse the Department of Correction for the
16 actual cost of drug testing and drug screening, if the results are
17 positive.
- 18 (11) Make restitution or reparation to an aggrieved party as provided in
19 G.S. 148-57.1.
- 20 (12) Comply with an order from a court of competent jurisdiction regarding
21 the payment of an obligation of the supervisee in connection with any
22 judgment rendered by the court.
- 23 (13) Remain in one or more specified places for a specified period or
24 periods each day, and wear a device that permits the defendant's
25 compliance with the condition to be monitored electronically.
- 26 (14) Submit to supervision by officers assigned to the Intensive
27 Post-Release Supervision Program established pursuant to G.S.
28 143B-262(c), and abide by the rules adopted for that Program.
- 29 (e1) Prohibited Conditions. – The Commission shall not impose community
30 service as a condition of post-release supervision.
- 31 (e2) Additional Discretionary Controlling Conditions for Sex Offenders and
32 Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor.
33 – In addition to the discretionary conditions set forth in subsections (d) and (e) of this
34 section, for a supervisee who has been convicted of an offense which is a reportable
35 conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or
36 sexual abuse of a minor, appropriate discretionary controlling conditions, violations of
37 which may result in revocation of post-release supervision, are that the offender:
- 38 (1) Reside at a residence to be approved by the supervising officer.
- 39 (2) Not have contact with the victim including, but not limited to: letters,
40 phone calls, tapes, videos, computer, Internet, or visits. This includes
41 any form of direct contact, or any form of contact through a third
42 party.

- 1 (3) Not socialize or communicate with individuals under the age of 18 in
2 work or social activities unless accompanied by a responsible adult
3 who is aware of the abusive patterns and is approved in writing by the
4 supervising officer.
- 5 (4) Submit to psychological and psychophysiological assessment at the
6 direction of the supervising officer to assist in treatment planning and
7 case monitoring.
- 8 (5) Participate in a sexual abuse treatment program approved by the
9 supervising officer and complete the same to the full satisfaction of the
10 treatment provider. Comply with all programs, including the polygraph
11 examinations, to be used as a tool in conjunction with the treatment
12 plan developed by the treatment provider. Program participation is
13 defined as attendance at all meetings, prompt payment of fees,
14 admission of responsibility for his or her offense, and progress toward
15 reasonable treatment goals.
- 16 (6) Pay for the victims' mental health counseling expenses that are
17 incurred as a result of the crime or offense as ordered by the court.
- 18 (7) Not possess any sexually stimulating or sexually oriented materials as
19 deemed inappropriate by the supervising officer, nor patronize any
20 place where such material or entertainment is the primary business.
- 21 (8) Not use, possess, control, distribute, sell, exchange, or collect
22 pornography or child erotica, including any obtained through Internet
23 access or telephonic communications.
- 24 (9) Submit at reasonable times to warrantless searches and seizures by the
25 supervising officer of his person, vehicle, premises, computer
26 equipment, and telephone records while he is present for the purposes
27 of detecting or discovering pornography and/or erotica, which are
28 reasonably related to his supervision.
- 29 (10) Not linger, loiter, nor spend time at locations where unsupervised
30 persons under 18 years of age are present, including, but not limited to:
31 parks, playgrounds, school yards, arcades, or places frequented by
32 children, activities, and such similar places whose purpose is the care,
33 entertainment, or education of such persons under 18 years of age.
- 34 (11) Not work or volunteer for any business or organization(s) that provides
35 services to or employs persons under 18 years of age. This includes,
36 but is not limited to: arcades, baby-sitting, day care agencies, schools,
37 churches, playgrounds, and youth sporting activities or groups. The
38 supervising officer must approve employment.
- 39 (12) Not associate with or have any contact with convicted sex offenders
40 unless in a counseling group.

- 1 (13) When given authorization to visit another jurisdiction, present a travel
2 letter to the local police department, have it signed, and return it to the
3 supervising officer.
- 4 (14) Not purchase, possess, or consume alcoholic beverages or controlled
5 substances. Submit to blood, breath, and urine testing for analysis for
6 the presence of prohibited drugs or alcohol as requested by the
7 supervising officer and pay any fees associated with testing.
- 8 (15) Not be alone with any minor child below the age of 18 years unless
9 approved by his supervising officer in writing.
- 10 (16) Not engage in any sexual behavior with any minor child below the age
11 of 18 years.
- 12 (17) Abide by a curfew at the discretion of the supervising officer.

13 (f) Required Supervision Fee. – The Commission shall require as a condition of
14 post-release supervision that the supervisee pay a supervision fee of twenty dollars
15 (\$20.00) per month. The Commission may exempt a supervisee from this condition only
16 if it finds that requiring payment of the fee is an undue economic burden. The fee shall
17 be paid to the clerk of superior court of the county in which the supervisee was
18 convicted. The clerk shall transmit any money collected pursuant to this subsection to
19 the State to be deposited in the State's General Fund. In no event shall a supervisee be
20 required to pay more than one supervision fee per month."

21 **SECTION 12.** G.S. 90-95(h) reads as rewritten:

22 "(h) Notwithstanding any other provision of law, the following provisions apply
23 except as otherwise provided in this Article.

- 24 (1) Any person who sells, manufactures, delivers, transports, or possesses
25 in excess of 10 pounds (avoirdupois) of marijuana shall be guilty of a
26 felony which felony shall be known as 'trafficking in marijuana' and if
27 the quantity of such substance involved:
- 28 a. Is in excess of 10 pounds, but less than 50 pounds, such person
29 shall be punished as a Class H felon and shall be sentenced to a
30 minimum term of 25 months and a maximum term of 30
31 months in the State's prison and shall be fined not less than five
32 thousand dollars (\$5,000);
- 33 b. Is 50 pounds or more, but less than 2,000 pounds, such person
34 shall be punished as a Class G felon and shall be sentenced to a
35 minimum term of 35 months and a maximum term of 42
36 months in the State's prison and shall be fined not less than
37 twenty-five thousand dollars (\$25,000);
- 38 c. Is 2,000 pounds or more, but less than 10,000 pounds, such
39 person shall be punished as a Class F felon and shall be
40 sentenced to a minimum term of 70 months and a maximum
41 term of 84 months in the State's prison and shall be fined not
42 less than fifty thousand dollars (\$50,000);

- 1 d. Is 10,000 pounds or more, such person shall be punished as a
2 Class D felon and shall be sentenced to a minimum term of 175
3 months and a maximum term of ~~219~~210 months in the State's
4 prison and shall be fined not less than two hundred thousand
5 dollars (\$200,000).
- 6 (2) Any person who sells, manufactures, delivers, transports, or possesses
7 1,000 tablets, capsules or other dosage units, or the equivalent
8 quantity, or more of methaqualone, or any mixture containing such
9 substance, shall be guilty of a felony which felony shall be known as
10 'trafficking in methaqualone' and if the quantity of such substance or
11 mixture involved:
- 12 a. Is 1,000 or more dosage units, or equivalent quantity, but less
13 than 5,000 dosage units, or equivalent quantity, such person
14 shall be punished as a Class G felon and shall be sentenced to a
15 minimum term of 35 months and a maximum term of 42
16 months in the State's prison and shall be fined not less than
17 twenty-five thousand dollars (\$25,000);
- 18 b. Is 5,000 or more dosage units, or equivalent quantity, but less
19 than 10,000 dosage units, or equivalent quantity, such person
20 shall be punished as a Class F felon and shall be sentenced to a
21 minimum term of 70 months and a maximum term of 84
22 months in the State's prison and shall be fined not less than fifty
23 thousand dollars (\$50,000);
- 24 c. Is 10,000 or more dosage units, or equivalent quantity, such
25 person shall be punished as a Class D felon and shall be
26 sentenced to a minimum term of 175 months and a maximum
27 term of ~~219~~210 months in the State's prison and shall be fined
28 not less than two hundred thousand dollars (\$200,000).
- 29 (3) Any person who sells, manufactures, delivers, transports, or possesses
30 28 grams or more of cocaine and any salt, isomer, salts of isomers,
31 compound, derivative, or preparation thereof, or any coca leaves and
32 any salt, isomer, salts of isomers, compound, derivative, or preparation
33 of coca leaves, and any salt, isomer, salts of isomers, compound,
34 derivative or preparation thereof which is chemically equivalent or
35 identical with any of these substances (except decocainized coca
36 leaves or any extraction of coca leaves which does not contain
37 cocaine) or any mixture containing such substances, shall be guilty of
38 a felony, which felony shall be known as 'trafficking in cocaine' and if
39 the quantity of such substance or mixture involved:
- 40 a. Is 28 grams or more, but less than 200 grams, such person shall
41 be punished as a Class G felon and shall be sentenced to a
42 minimum term of 35 months and a maximum term of 42

- 1 months in the State's prison and shall be fined not less than fifty
2 thousand dollars (\$50,000);
- 3 b. Is 200 grams or more, but less than 400 grams, such person
4 shall be punished as a Class F felon and shall be sentenced to a
5 minimum term of 70 months and a maximum term of 84
6 months in the State's prison and shall be fined not less than one
7 hundred thousand dollars (\$100,000);
- 8 c. Is 400 grams or more, such person shall be punished as a Class
9 D felon and shall be sentenced to a minimum term of 175
10 months and a maximum term of ~~219~~210 months in the State's
11 prison and shall be fined at least two hundred fifty thousand
12 dollars (\$250,000).
- 13 (3a) Repealed by Session Laws 1999-370, s. 1.
- 14 (3b) Any person who sells, manufactures, delivers, transports, or possesses
15 28 grams or more of methamphetamine or amphetamine shall be guilty
16 of a felony which felony shall be known as 'trafficking in
17 methamphetamine or amphetamine' and if the quantity of such
18 substance or mixture involved:
- 19 a. Is 28 grams or more, but less than 200 grams, such person shall
20 be punished as a Class F felon and shall be sentenced to a
21 minimum term of 70 months and a maximum term of 84
22 months in the State's prison and shall be fined not less than fifty
23 thousand dollars (\$50,000);
- 24 b. Is 200 grams or more, but less than 400 grams, such person
25 shall be punished as a Class E felon and shall be sentenced to a
26 minimum term of 90 months and a maximum term of ~~147~~108
27 months in the State's prison and shall be fined not less than one
28 hundred thousand dollars (\$100,000);
- 29 c. Is 400 grams or more, such person shall be punished as a Class
30 C felon and shall be sentenced to a minimum term of 225
31 months and a maximum term of ~~279~~270 months in the State's
32 prison and shall be fined at least two hundred fifty thousand
33 dollars (\$250,000).
- 34 (4) Any person who sells, manufactures, delivers, transports, or possesses
35 four grams or more of opium or opiate, or any salt, compound,
36 derivative, or preparation of opium or opiate (except apomorphine,
37 nalbuphine, analoxone and naltrexone and their respective salts),
38 including heroin, or any mixture containing such substance, shall be
39 guilty of a felony which felony shall be known as 'trafficking in opium
40 or heroin' and if the quantity of such controlled substance or mixture
41 involved:

- 1 a. Is four grams or more, but less than 14 grams, such person shall
2 be punished as a Class F felon and shall be sentenced to a
3 minimum term of 70 months and a maximum term of 84
4 months in the State's prison and shall be fined not less than fifty
5 thousand dollars (\$50,000);
- 6 b. Is 14 grams or more, but less than 28 grams, such person shall
7 be punished as a Class E felon and shall be sentenced to a
8 minimum term of 90 months and a maximum term of ~~147~~108
9 months in the State's prison and shall be fined not less than one
10 hundred thousand dollars (\$100,000);
- 11 c. Is 28 grams or more, such person shall be punished as a Class C
12 felon and shall be sentenced to a minimum term of 225 months
13 and a maximum term of ~~279~~270 months in the State's prison
14 and shall be fined not less than five hundred thousand dollars
15 (\$500,000).
- 16 (4a) Any person who sells, manufactures, delivers, transports, or possesses
17 100 tablets, capsules, or other dosage units, or the equivalent quantity,
18 or more, of Lysergic Acid Diethylamide, or any mixture containing
19 such substance, shall be guilty of a felony, which felony shall be
20 known as 'trafficking in Lysergic Acid Diethylamide'. If the quantity
21 of such substance or mixture involved:
- 22 a. Is 100 or more dosage units, or equivalent quantity, but less
23 than 500 dosage units, or equivalent quantity, such person shall
24 be punished as a Class G felon and shall be sentenced to a
25 minimum term of 35 months and a maximum term of 42
26 months in the State's prison and shall be fined not less than
27 twenty-five thousand dollars (\$25,000);
- 28 b. Is 500 or more dosage units, or equivalent quantity, but less
29 than 1,000 dosage units, or equivalent quantity, such person
30 shall be punished as a Class F felon and shall be sentenced to a
31 minimum term of 70 months and a maximum term of 84
32 months in the State's prison and shall be fined not less than fifty
33 thousand dollars (\$50,000);
- 34 c. Is 1,000 or more dosage units, or equivalent quantity, such
35 person shall be punished as a Class D felon and shall be
36 sentenced to a minimum term of 175 months and a maximum
37 term of ~~249~~210 months in the State's prison and shall be fined
38 not less than two hundred thousand dollars (\$200,000).
- 39 (4b) Any person who sells, manufactures, delivers, transports, or possesses
40 100 or more tablets, capsules, or other dosage units, or 28 grams or
41 more of 3,4-methylenedioxyamphetamine (MDA), including its salts,
42 isomers, and salts of isomers, or 3,4-methylenedioxymethamphetamine

(MDMA), including its salts, isomers, and salts of isomers, or any mixture containing such substances, shall be guilty of a felony, which felony shall be known as 'trafficking in MDA/MDMA.' If the quantity of the substance or mixture involved:

- a. Is 100 or more tablets, capsules, or other dosage units, but less than 500 tablets, capsules, or other dosage units, or 28 grams or more, but less than 200 grams, the person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 42 months in the State's prison and shall be fined not less than twenty-five thousand dollars (\$25,000);
 - b. Is 500 or more tablets, capsules, or other dosage units, but less than 1,000 tablets, capsules, or other dosage units, or 200 grams or more, but less than 400 grams, the person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 84 months in the State's prison and shall be fined not less than fifty thousand dollars (\$50,000);
 - c. Is 1,000 or more tablets, capsules, or other dosage units, or 400 grams or more, the person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of ~~219~~210 months in the State's prison and shall be fined not less than two hundred fifty thousand dollars (\$250,000).
- (5) Except as provided in this subdivision, a person being sentenced under this subsection may not receive a suspended sentence or be placed on probation. The sentencing judge may reduce the fine, or impose a prison term less than the applicable minimum prison term provided by this subsection, or suspend the prison term imposed and place a person on probation when such person has, to the best of his knowledge, provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals if the sentencing judge enters in the record a finding that the person to be sentenced has rendered such substantial assistance.
- (6) Sentences imposed pursuant to this subsection shall run consecutively with and shall commence at the expiration of any sentence being served by the person sentenced hereunder."

SECTION 13. This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.