

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**SENATE BILL 8
Judiciary I (Civil) Committee Substitute Adopted 5/22/07**

Short Title: Expand Safe Zones/Schools, Parks, Child Ctrs.

(Public)

Sponsors:

Referred to:

February 12, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO INCREASE THE "SAFE ZONES" NEAR CHILD CARE CENTERS
3 AND SCHOOL GROUNDS REGARDING ILLEGAL DRUG SALES FROM
4 THREE HUNDRED FEET TO ONE THOUSAND FEET, AND TO EXPAND THE
5 "SAFE ZONE" FOR PUBLIC PARKS TO INCLUDE ALL PUBLIC PARKS, NOT
6 JUST THOSE WITH PLAYGROUNDS, AND TO INCREASE THE DISTANCE
7 OF THOSE SAFE ZONES TO ONE THOUSAND FEET.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 90-95(e) reads as rewritten:

10 "(e) The prescribed punishment and degree of any offense under this Article shall
11 be subject to the following conditions, but the punishment for an offense may be
12 increased only by the maximum authorized under any one of the applicable conditions:

13 ...

14 (8) Any person 21 years of age or older who commits an offense under
15 G.S. 90-95(a)(1) on property used for a child care center, or for an
16 elementary or secondary school or within 3001,000 feet of the
17 boundary of real property used for a child care center, or for an
18 elementary or secondary school shall be punished as a Class E felon.
19 For purposes of this subdivision, the transfer of less than five grams of
20 marijuana for no remuneration shall not constitute a delivery in
21 violation of G.S. 90-95(a)(1). For purposes of this subdivision, a child
22 care center is as defined in G.S. 110-86(3)a., and that is licensed by the
23 Secretary of the Department of Health and Human Services.

24 (9) Any person who violates G.S. 90-95(a)(3) on the premises of a penal
25 institution or local confinement facility shall be guilty of a Class H
26 felony.

27 (10) Any person 21 years of age or older who commits an offense under
28 G.S. 90-95(a)(1) on property that is a ~~playground in a~~ public park or
29 within 3001,000 feet of the boundary of real property that is a

1 ~~playground in a~~ public park shall be punished as a Class E felon. For
2 purposes of this subdivision, the transfer of less than five grams of
3 marijuana for no remuneration shall not constitute a delivery in
4 violation of G.S. 90-95(a)(1). ~~For purposes of this subdivision the term~~
5 ~~"playground" means any outdoor facility (including any parking lot~~
6 ~~appurtenant thereto) intended for recreation open to the public, and~~
7 ~~with any portion thereof containing three or more separate apparatuses~~
8 ~~intended for the recreation of children including, but not limited to,~~
9 ~~sliding boards, swingsets, and teeterboards."~~

10 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
11 offenses committed on or after that date.