

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1091

Short Title: Clarify Wt. Measurement/Meth Trafficking. (Public)

Sponsors: Senator Snow.

Referred to: Judiciary II.

March 31, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN
3 METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE
4 OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR
5 LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF
6 THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 90-95(h)(3b) reads as rewritten:

9 "(3b) Any person who sells, manufactures, delivers, transports, or possesses 28
10 grams or more of ~~methamphetamine or amphetamine~~ methamphetamine,
11 amphetamine, or any mixture containing such substance shall be guilty of a
12 felony which felony shall be known as "trafficking in methamphetamine or
13 amphetamine" and if the quantity of such substance or mixture involved:

- 14 a. Is 28 grams or more, but less than 200 grams, such person shall be
15 punished as a Class F felon and shall be sentenced to a minimum
16 term of 70 months and a maximum term of 84 months in the State's
17 prison and shall be fined not less than fifty thousand dollars
18 (\$50,000);
19 b. Is 200 grams or more, but less than 400 grams, such person shall be
20 punished as a Class E felon and shall be sentenced to a minimum
21 term of 90 months and a maximum term of 117 months in the State's
22 prison and shall be fined not less than one hundred thousand dollars
23 (\$100,000);
24 c. Is 400 grams or more, such person shall be punished as a Class C
25 felon and shall be sentenced to a minimum term of 225 months and a
26 maximum term of 279 months in the State's prison and shall be fined
27 at least two hundred fifty thousand dollars (\$250,000)."

28 **SECTION 2.** This act becomes effective September 1, 2009, and applies to
29 offenses committed on or after that date.

