

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 457
Committee Substitute Favorable 5/13/91
Third Edition Engrossed 5/16/91

Short Title: Drug Felons Lose Ed. Aid.

(Public)

Sponsors:

Referred to:

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE DENIAL OF STATE AID FOR HIGHER
3 EDUCATION FOR CERTAIN DRUG CONVICTIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 5 of Chapter 90 of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 90-98.2. Denial of State education aid for controlled substance convictions.**

8 (a) As used in this section, unless the context clearly requires otherwise:

9 (1) 'Authority' means the State Educational Assistance Authority created
10 under G.S. 116-203.

11 (2) 'Financial assistance' means any loans, grants, or scholarships for
12 higher education, including two and four year colleges and universities
13 and community colleges, that use State funds or guarantees, including
14 all the programs regulated or administered by the authority.

15 (b) Any person who is convicted in any court of competent jurisdiction of the
16 offense of trafficking in any controlled substance under any of the provisions of this
17 Article or the Federal Drug Abuse Prevention and Control Act, or a successor statute
18 shall be permanently ineligible for any State financial assistance for educational
19 purposes.

20 (c) Any person who is convicted for the second time of any controlled substance
21 felony shall be permanently ineligible for any State financial assistance for educational
22 purposes.

1 (d) The penalties required by this section shall in no way limit the ability of the
2 Authority to impose more severe penalties it may by law impose at its discretion.

3 (e) The State Educational Assistance Authority and the Judicial Department shall
4 adopt joint rules to implement this section. These rules shall include:

5 (1) Rules to ensure that all applicants for financial aid certify as to any
6 conviction or convictions they may have received for a felony
7 described in subsection (b) of this section;

8 (2) Rules to develop a procedure to verify the certified applications; and

9 (3) Rules to develop a procedure to ensure that the Authority is notified
10 when any student at any two or four year college or university or
11 community college in this State receives a conviction of a felony
12 described in subsection (b) of this section."

13 Sec. 2. The prohibitions described shall not be applicable to those felons
14 whose citizenship has been restored pursuant to G.S. 13-1.

15 Sec. 3. This act becomes effective January 1, 1992, and applies to academic
16 years beginning with the 1992-93 academic year.