GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

H HOUSE BILL 1174

Short Title:	Increase Penalty/Drug Sales @ Parks.	(Public)

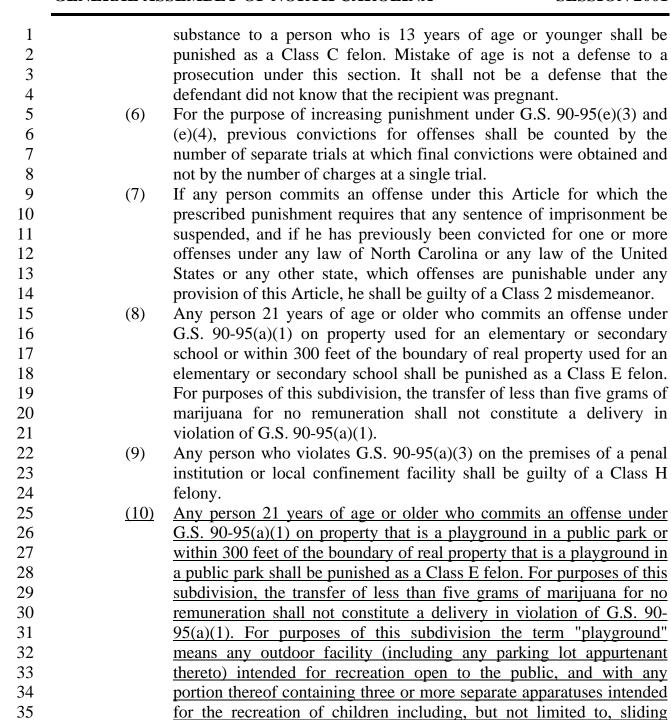
Sponsors: Representative Miller.

Referred to: Judiciary II.

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		April 12, 2001	
1		A BILL TO BE ENTITLED	
2	AN ACT TO IN	ICREASE THE CRIMINAL PENALTY FOR THE SALE OF DRUGS	
3	IN PUBLIC	PARKS AND PLAYGROUNDS.	
4	The General Assembly of North Carolina enacts:		
5	SECT	TION 1. G.S. 90-95(e) reads as rewritten:	
6	"(e) The p	rescribed punishment and degree of any offense under this Article shall	
7	be subject to the	ne following conditions, but the punishment for an offense may be	
8	increased only b	y the maximum authorized under any one of the applicable conditions:	
9	(1),	(2) Repealed by Session Laws 1979, c. 760, s. 5.	
10	(3)	If any person commits a Class 1 misdemeanor under this Article and if	
11		he has previously been convicted for one or more offenses under any	
12		law of North Carolina or any law of the United States or any other	
13		state, which offenses are punishable under any provision of this	
14		Article, he shall be punished as a Class I felon. The prior conviction	
15		used to raise the current offense to a Class I felony shall not be used to	
16		calculate the prior record level.	
17	(4)	If any person commits a Class 2 misdemeanor, and if he has previously	
18		been convicted for one or more offenses under any law of North	
19		Carolina or any law of the United States or any other state, which	
20		offenses are punishable under any provision of this Article, he shall be	
21		guilty of a Class 1 misdemeanor. The prior conviction used to raise the	
22		current offense to a Class 1 misdemeanor shall not be used to calculate	
23	45	the prior conviction level.	
24	(5)	Any person 18 years of age or over who violates G.S. 90-95(a)(1) by	
25		selling or delivering a controlled substance to a person under 16 years	
26		of age but more than 13 years of age or a pregnant female shall be	
27		punished as a Class D felon. Any person 18 years of age or over who	

violates G.S. 90-95(a)(1) by selling or delivering a controlled



SECTION 2. This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.

boards, swingsets, and teeterboards."

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