

North Carolina General Statutes

The following are excerpts from the North Carolina General Statutes by which charges for Drug Enforcement are cited. The North Carolina State University Campus Police Department has placed some of the information online at:

http://www.ncsu.edu/ncsu/public_safety/Information/NCLaw.html

This is concise information. You should not rely on this information as your only source for these facts, as laws and scope of laws change as the General Assembly revises them. It is intended merely as a source of general information. For more extensive information look to the North Carolina General Statutes Chapter 14 Criminal Law.

Punishments

Punishment for Felonies (14-1.1)

1. Class "A" - Death or life imprisonment
2. Class "B" - Life imprisonment
3. Class "C" - 50 years or life imprisonment, or fine, or both
4. Class "D" - 40 years or fine or both
5. Class "E" - 30 years or fine or both
6. Class "F" - 20 years or fine or both
7. Class "G" - 15 years or fine or both
8. Class "H" - 10 years or fine or both
9. Class "I" - 5 years or fine or both
- Class "J" - 3 years or fine or both

Punishment for Misdemeanors (14-3)

"...convicted for any misdemeanor for which nonspecific punishment is prescribed by statute shall be punishable by fine, by imprisonment for a term not exceeding two years, or by both, in the discretion of the court.

"Punishment of "Juveniles"

Juveniles can be punished in court as adults under certain circumstances. The law determines how a juvenile will be treated based upon age and seriousness of the crime committed:

1. If the individual is under 16 years of age and has committed a relatively minor crime, such as vandalism, he/she will be treated as a delinquent juvenile.
2. If the individual is 16 years or older, they are an adult and will be treated as such.

If the individual is 14 years of age or older and commits a serious crime, such as burglary in the first degree, they CAN be tried as an adult.

Hopefully you better understand the possible punishments for drug offenses. The next page looks at some of the Statutes for Drug Offenses as covered by the Controlled Substances Act (1971) under Article 5. Again, these are have been concise and should not be used as a legal source of complete information.



Article 5 of the North Carolina General Statutes

§ 90-87. Definitions.

As used in this Article:

(5)"Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through VI of this Article.

§ 90-95. Violations; penalties.

(a)Except as authorized by this Article, it is unlawful for any person:

- (1) To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance;
- (2) To create, sell or deliver, or possess with intent to sell or deliver, a counterfeit controlled substance;
- (3) To possess a controlled substance.

(b) Except as provided in subsections (h) and (i) of this section, any person who violates G.S. 90-95(a)(1) with respect to:

- (1) A controlled substance classified in Schedule I or II shall be punished as a Class H felon, except that the sale of a controlled substance classified in Schedule I or II shall be punished as a Class G felon;
- (2) A controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class I felon, except that the sale of a controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class H felon. The transfer of less than 5 grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

(c) Any person who violates G.S. 90-95(a)(2) shall be punished as a Class I felon...

(d) Except as authorized by this Article, it is unlawful for any person to:

- (1) Possess an immediate precursor chemical with intent to manufacture a controlled substance; or
- (2) Possess or distribute an immediate precursor chemical knowing, or having reasonable cause to believe, that the immediate precursor chemical will be used to manufacture a controlled substance. Any person who violates this subsection shall be punished as a Class H felon...

§ 90-95.4. Employing or intentionally using minor to commit a drug law violation.

(a) A person who is at least 18 years old but less than 21 years old who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony...

(b) A person 21 years of age or older who hires or intentionally uses a minor to violate G.S. 90-95(a)(1) shall be guilty of a felony...

(c) Mistake of Age. - Mistake of age is not a defense to a prosecution under this section.

(d) The term "minor" as used in this section is defined as an individual who is less than 18 years of age. (1989 (Reg. Sess., 1990), c. 1081, s. 1; 1998-212, s. 17.16(f).)

§ 90-95.5. Civil liability - employing a minor to commit a drug offense. A person 21 years of age or older, who hires, employs, or intentionally uses a person under 18 years of age to commit a violation of G.S. 90-95 is liable in a civil action for damages for drug addiction proximately caused by the violation. The doctrines of contributory negligence and assumption of risk are no defense to liability under this section. (1989 (Reg. Sess., 1990), c. 1081, s. 3; 1998-212, s. 17.16(g).)

§ 90-95.6. Promoting drug sales by a minor.

(a) A person who is 21 years of age or older is guilty of promoting drug sales by a minor if the person knowingly:

- (1) Entices, forces, encourages, or otherwise facilitates a minor in violating G.S. 90-95(a)(1).
- (2) Supervises, supports, advises, or protects the minor in violating G.S. 90-95(a)(1).

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class D felony. (1998-212, s. 17.16(h).)

§ 90-95.7. Participating in a drug violation by a minor.

(a) A person 21 years of age or older who purchases or receives a controlled substance from a minor 13 years of age or younger who possesses, sells, or delivers the controlled substance in violation of G.S. 90-95(a)(1) is guilty of participating in a drug violation of a minor.

(b) Mistake of age is not a defense to a prosecution under this section.

(c) A violation of this section is a Class G felony. (1998-212, s. 17.16(h).)