

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 745

Short Title: Post-Release Supervision Changes/Sent. Commn. (Public)

Sponsors: Senator Miller.

Referred to: Judiciary II.

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD
TO POST-RELEASE SUPERVISION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1340.11 is amended by adding a new subdivision to
read:

"(6a) Post-release supervision. – The time for which a sentenced prisoner is supervised in the community following the termination of his or her maximum prison term, controlled by the rules and conditions of Article 84A of this Chapter."

SECTION 2. G.S. 15A-1340.13(b) reads as rewritten:

"(b) Procedure Generally; Requirements of Judgment; Kinds of Sentences. – Before imposing a sentence, the court shall determine the prior record level for the offender pursuant to G.S. 15A-1340.14. The sentence shall contain a sentence disposition specified for the class of offense and prior record level, and its minimum term of imprisonment shall be within the range specified for the class of offense and prior record level, unless applicable statutes require or authorize another minimum sentence of imprisonment. For Class B1, B2, C, D, E, and F felony offenses, the sentence shall include a period of post-release supervision pursuant to G.S. 15A-1340.18. The kinds of sentence dispositions are active punishment, intermediate punishment, and community punishment."

SECTION 3. G.S. 15A-1340.17 reads as rewritten:

"§ 15A-1340.17. Punishment limits for each class of offense and prior record level.

(a) Offense Classification; Default Classifications. – The offense classification is as specified in the offense for which the sentence is being imposed. If the offense is a felony for which there is no classification, it is a Class I felony.

(b) Fines. – Any judgment that includes a sentence of imprisonment may also include a fine. If a community punishment is authorized, the judgment may consist of a

1 fine only. Additionally, when the defendant is other than an individual, the judgment
 2 may consist of a fine only. Unless otherwise provided, the amount of the fine is in the
 3 discretion of the court.

4 (c) Punishments for Each Class of Offense and Prior Record Level; Punishment
 5 Chart Described. – The authorized punishment for each class of offense and prior record
 6 level is as specified in the chart ~~below.~~below and under G.S. 15A-1340.18. Prior record
 7 levels are indicated by the Roman numerals placed horizontally on the top of the chart.
 8 Classes of offense are indicated by the letters placed vertically on the left side of the
 9 chart. Each cell on the chart contains the following components:

- 10 (1) A sentence disposition or dispositions: 'C' indicates that a community
 11 punishment is authorized; 'I' indicates that an intermediate punishment
 12 is authorized; 'A' indicates that an active punishment is authorized; and
 13 'Life Imprisonment Without Parole' indicates that the defendant shall
 14 be imprisoned for the remainder of the prisoner's natural life.
- 15 (2) A presumptive range of minimum durations, if the sentence of
 16 imprisonment is neither aggravated or mitigated; any minimum term of
 17 imprisonment in that range is permitted unless the court finds pursuant
 18 to G.S. 15A-1340.16 that an aggravated or mitigated sentence is
 19 appropriate. The presumptive range is the middle of the three ranges in
 20 the cell.
- 21 (3) A mitigated range of minimum durations if the court finds pursuant to
 22 G.S. 15A-1340.16 that a mitigated sentence of imprisonment is
 23 justified; in such a case, any minimum term of imprisonment in the
 24 mitigated range is permitted. The mitigated range is the lower of the
 25 three ranges in the cell.
- 26 (4) An aggravated range of minimum durations if the court finds pursuant
 27 to G.S. 15A-1340.16 that an aggravated sentence of imprisonment is
 28 justified; in such a case, any minimum term of imprisonment in the
 29 aggravated range is permitted. The aggravated range is the higher of
 30 the three ranges in the cell.

31
 32 **PRIOR RECORD LEVEL**

	I	II	III	IV	V	VI	
	0 Pts	1-4 Pts	5-8 Pts	9-14 Pts	15-18 Pts	19+ Pts	
A	Life Imprisonment Without Parole or Death as Established by Statute						
	A	A	A	A	A	A	DISPOSITION
	240-300	288-360	336-420	384-480	Life Imprisonment Without Parole		Aggravated
B1	192-240	230-288	269-336	307-384	346-433	384-480	PRESUMPTIVE
	144-192	173-230	202-269	230-307	260-346	288-384	Mitigated
	A	A	A	A	A	A	DISPOSITION
	157-196	189-237	220-276	251-313	282-353	313-392	Aggravated

1	B2	125-157	151-189	176-220	201-251	225-282	251-313	PRESUMPTIVE
2		94-125	114-151	132-176	151-201	169-225	188-251	Mitigated
3		A	A	A	A	A	A	DISPOSITION
4		73-92	100-125	116-145	133-167	151-188	168-210	Aggravated
5	C	58-73	80-100	93-116	107-133	121-151	135-168	PRESUMPTIVE
6		44-58	60-80	70-93	80-107	90-121	101-135	Mitigated
7		A	A	A	A	A	A	DISPOSITION
8		64-80	77-95	103-129	117-146	133-167	146-183	Aggravated
9	D	51-64	61-77	82-103	94-117	107-133	117-146	PRESUMPTIVE
10		38-51	46-61	61-82	71-94	80-107	88-117	Mitigated
11		I/A	I/A	A	A	A	A	DISPOSITION
12		25-31	29-36	34-42	46-58	53-66	59-74	Aggravated
13	E	20-25	23-29	27-34	37-46	42-53	47-59	PRESUMPTIVE
14		15-20	17-23	20-27	28-37	32-42	35-47	Mitigated
15		I/A	I/A	I/A	A	A	A	DISPOSITION
16		16-20	19-24	21-26	25-31	34-42	39-49	Aggravated
17	F	13-16	15-19	17-21	20-25	27-34	31-39	PRESUMPTIVE
18		10-13	11-15	13-17	15-20	20-27	23-31	Mitigated
19		I/A	I/A	I/A	I/A	A	A	DISPOSITION
20		13-16	15-19	16-20	20-25	21-26	29-36	Aggravated
21	G	10-13	12-15	13-16	16-20	17-21	23-29	PRESUMPTIVE
22		8-10	9-12	10-13	12-16	13-17	17-23	Mitigated
23		C/I/A	I/A	I/A	I/A	I/A	A	DISPOSITION
24		6-8	8-10	10-12	11-14	15-19	20-25	Aggravated
25	H	5-6	6-8	8-10	9-11	12-15	16-20	PRESUMPTIVE
26		4-5	4-6	6-8	7-9	9-12	12-16	Mitigated
27		C	C/I	I	I/A	I/A	I/A	DISPOSITION
28		6-8	6-8	6-8	8-10	9-11	10-12	Aggravated
29	I	4-6	4-6	5-6	6-8	7-9	8-10	PRESUMPTIVE
30		3-4	3-4	4-5	4-6	5-7	6-8	Mitigated

31 (d) Maximum Sentences Specified for ~~Class F through Class I Felonies.~~ Class B1
 32 Felonies Through Class I Felonies for Minimum Terms up to 346 Months. – Unless
 33 provided otherwise in a statute establishing a punishment for a specific crime, for each
 34 minimum term of imprisonment in the chart in subsection (c) of this section, expressed
 35 in months, the corresponding maximum term of imprisonment, also expressed in
 36 months, is as specified in the table below for ~~Class F-B1~~ through Class I felonies. The
 37 first figure in each cell in the table is the minimum term and the second is the maximum
 38 term.

40	3-4	4-5	5-6	6-8	7-9	8-10	9-11	10-12
41	11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
42	19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32
43	27-33	28-34	29-35	30-36	31-38	32-39	33-40	34-41

1	<u>35-42</u>	<u>36-44</u>	<u>37-45</u>	<u>38-46</u>	<u>39-47</u>	<u>40-48</u>	<u>41-50</u>	<u>42-51</u>
2	<u>43-52</u>	<u>44-53</u>	<u>45-54</u>	<u>46-56</u>	<u>47-57</u>	<u>48-58</u>	<u>49-59</u>	<u>50-60</u>
3	<u>51-61</u>	<u>52-62</u>	<u>53-64</u>	<u>54-65</u>	<u>55-66</u>	<u>56-67</u>	<u>57-68</u>	<u>58-70</u>
4	<u>59-71</u>	<u>60-72</u>	<u>61-73</u>	<u>62-74</u>	<u>63-76</u>	<u>64-77</u>	<u>65-78</u>	<u>66-79</u>
5	<u>67-80</u>	<u>68-82</u>	<u>69-83</u>	<u>70-84</u>	<u>71-85</u>	<u>72-86</u>	<u>73-88</u>	<u>74-89</u>
6	<u>75-90</u>	<u>76-91</u>	<u>77-92</u>	<u>78-94</u>	<u>79-95</u>	<u>80-96</u>	<u>81-97</u>	<u>82-98</u>
7	<u>83-100</u>	<u>84-101</u>	<u>85-102</u>	<u>86-103</u>	<u>87-104</u>	<u>88-106</u>	<u>89-107</u>	<u>90-108</u>
8	<u>91-109</u>	<u>92-110</u>	<u>93-112</u>	<u>94-113</u>	<u>95-114</u>	<u>96-115</u>	<u>97-116</u>	<u>98-118</u>
9	<u>99-119</u>	<u>100-120</u>	<u>101-121</u>	<u>102-122</u>	<u>103-124</u>	<u>104-125</u>	<u>105-126</u>	<u>106-127</u>
10	<u>107-128</u>	<u>108-130</u>	<u>109-131</u>	<u>110-132</u>	<u>111-133</u>	<u>112-134</u>	<u>113-136</u>	<u>114-137</u>
11	<u>115-138</u>	<u>116-139</u>	<u>117-140</u>	<u>118-142</u>	<u>119-143</u>	<u>120-144</u>	<u>121-145</u>	<u>122-146</u>
12	<u>123-148</u>	<u>124-149</u>	<u>125-150</u>	<u>126-151</u>	<u>127-152</u>	<u>128-154</u>	<u>129-155</u>	<u>130-156</u>
13	<u>131-157</u>	<u>132-158</u>	<u>133-160</u>	<u>134-161</u>	<u>135-162</u>	<u>136-163</u>	<u>137-164</u>	<u>138-166</u>
14	<u>139-167</u>	<u>140-168</u>	<u>141-169</u>	<u>142-170</u>	<u>143-172</u>	<u>144-173</u>	<u>145-174</u>	<u>146-175</u>
15	<u>147-176</u>	<u>148-178</u>	<u>149-179</u>	<u>150-180</u>	<u>151-181</u>	<u>152-182</u>	<u>153-184</u>	<u>154-185</u>
16	<u>155-186</u>	<u>156-187</u>	<u>157-188</u>	<u>158-190</u>	<u>159-191</u>	<u>160-192</u>	<u>161-193</u>	<u>162-194</u>
17	<u>163-196</u>	<u>164-197</u>	<u>165-198</u>	<u>166-199</u>	<u>167-200</u>	<u>168-202</u>	<u>169-203</u>	<u>170-204</u>
18	<u>171-205</u>	<u>172-206</u>	<u>173-208</u>	<u>174-209</u>	<u>175-210</u>	<u>176-211</u>	<u>177-212</u>	<u>178-214</u>
19	<u>179-215</u>	<u>180-216</u>	<u>181-217</u>	<u>182-218</u>	<u>183-220</u>	<u>184-221</u>	<u>185-222</u>	<u>186-223</u>
20	<u>187-224</u>	<u>188-226</u>	<u>189-227</u>	<u>190-228</u>	<u>191-229</u>	<u>192-230</u>	<u>193-232</u>	<u>194-233</u>
21	<u>195-234</u>	<u>196-235</u>	<u>197-236</u>	<u>198-238</u>	<u>199-239</u>	<u>200-240</u>	<u>201-241</u>	<u>202-242</u>
22	<u>203-244</u>	<u>204-245</u>	<u>205-246</u>	<u>206-247</u>	<u>207-248</u>	<u>208-250</u>	<u>209-251</u>	<u>210-252</u>
23	<u>211-253</u>	<u>212-254</u>	<u>213-256</u>	<u>214-257</u>	<u>215-258</u>	<u>216-259</u>	<u>217-260</u>	<u>218-262</u>
24	<u>219-263</u>	<u>220-264</u>	<u>221-265</u>	<u>222-266</u>	<u>223-268</u>	<u>224-269</u>	<u>225-270</u>	<u>226-271</u>
25	<u>227-272</u>	<u>228-274</u>	<u>229-275</u>	<u>230-276</u>	<u>231-277</u>	<u>232-278</u>	<u>233-280</u>	<u>234-281</u>
26	<u>235-282</u>	<u>236-283</u>	<u>237-284</u>	<u>238-286</u>	<u>239-287</u>	<u>240-288</u>	<u>241-289</u>	<u>242-290</u>
27	<u>243-292</u>	<u>244-293</u>	<u>245-294</u>	<u>246-295</u>	<u>247-296</u>	<u>248-298</u>	<u>249-299</u>	<u>250-300</u>
28	<u>251-301</u>	<u>252-302</u>	<u>253-304</u>	<u>254-305</u>	<u>255-306</u>	<u>256-307</u>	<u>257-308</u>	<u>258-310</u>
29	<u>259-311</u>	<u>260-312</u>	<u>261-313</u>	<u>262-314</u>	<u>263-316</u>	<u>264-317</u>	<u>265-318</u>	<u>266-319</u>
30	<u>267-320</u>	<u>268-322</u>	<u>269-323</u>	<u>270-324</u>	<u>271-325</u>	<u>272-326</u>	<u>273-328</u>	<u>274-329</u>
31	<u>275-330</u>	<u>276-331</u>	<u>277-332</u>	<u>278-334</u>	<u>279-335</u>	<u>280-336</u>	<u>281-337</u>	<u>282-338</u>
32	<u>283-340</u>	<u>284-341</u>	<u>285-342</u>	<u>286-343</u>	<u>287-344</u>	<u>288-346</u>	<u>289-347</u>	<u>290-348</u>
33	<u>291-349</u>	<u>292-350</u>	<u>293-352</u>	<u>294-353</u>	<u>295-354</u>	<u>296-355</u>	<u>297-356</u>	<u>298-358</u>
34	<u>299-359</u>	<u>300-360</u>	<u>301-361</u>	<u>302-362</u>	<u>303-364</u>	<u>304-365</u>	<u>305-366</u>	<u>306-367</u>
35	<u>307-368</u>	<u>308-370</u>	<u>309-371</u>	<u>310-372</u>	<u>311-373</u>	<u>312-374</u>	<u>313-376</u>	<u>314-377</u>
36	<u>315-378</u>	<u>316-379</u>	<u>317-380</u>	<u>318-382</u>	<u>319-383</u>	<u>320-384</u>	<u>321-385</u>	<u>322-386</u>
37	<u>323-388</u>	<u>324-389</u>	<u>325-390</u>	<u>326-391</u>	<u>327-392</u>	<u>328-394</u>	<u>329-395</u>	<u>330-396</u>
38	<u>331-397</u>	<u>332-398</u>	<u>333-400</u>	<u>334-401</u>	<u>335-402</u>	<u>336-403</u>	<u>337-404</u>	<u>338-406</u>
39	<u>339-407</u>	<u>340-408</u>	<u>341-409</u>	<u>342-410</u>	<u>343-412</u>	<u>344-413</u>	<u>345-414</u>	<u>346-415</u>
40								

41 ~~(e) Maximum Sentences Specified for Class B1 through Class E Felonies for~~
42 ~~Minimum Terms up to 339 Months. Unless provided otherwise in a statute~~
43 ~~establishing a punishment for a specific crime, for each minimum term of imprisonment~~
44 ~~in the chart in subsection (c) of this section, expressed in months, the corresponding~~

1 maximum term of imprisonment, also expressed in months, is as specified in the table
 2 below for Class B1 through Class E felonies. The first figure in each cell of the table is
 3 the minimum term and the second is the maximum term.

4								
5	15-27	16-29	17-30	18-31	19-32	20-33	21-35	22-36
6	23-37	24-38	25-39	26-41	27-42	28-43	29-44	30-45
7	31-47	32-48	33-49	34-50	35-51	36-53	37-54	38-55
8	39-56	40-57	41-59	42-60	43-61	44-62	45-63	46-65
9	47-66	48-67	49-68	50-69	51-71	52-72	53-73	54-74
10	55-75	56-77	57-78	58-79	59-80	60-81	61-83	62-84
11	63-85	64-86	65-87	66-89	67-90	68-91	69-92	70-93
12	71-95	72-96	73-97	74-98	75-99	76-101	77-102	78-103
13	79-104	80-105	81-107	82-108	83-109	84-110	85-111	86-113
14	87-114	88-115	89-116	90-117	91-119	92-120	93-121	94-122
15	95-123	96-125	97-126	98-127	99-128	100-129	101-131	102-132
16	103-133	104-134	105-135	106-137	107-138	108-139	109-140	110-141
17	111-143	112-144	113-145	114-146	115-147	116-149	117-150	118-151
18	119-152	120-153	121-155	122-156	123-157	124-158	125-159	126-161
19	_____	127-162	128-163	129-164	130-165	131-167	132-168	133-169
20		134-170						
21	135-171	136-173	137-174	138-175	139-176	140-177	141-179	142-180
22	143-181	144-182	145-183	146-185	147-186	148-187	149-188	150-189
23	151-191	152-192	153-193	154-194	155-195	156-197	157-198	158-199
24	159-200	160-201	161-203	162-204	163-205	164-206	165-207	166-209
25	167-210	168-211	169-212	170-213	171-215	172-216	173-217	174-218
26	175-219	176-221	177-222	178-223	179-224	180-225	181-227	182-228
27	183-229	184-230	185-231	186-233	187-234	188-235	189-236	190-237
28	191-239	192-240	193-241	194-242	195-243	196-245	197-246	198-247
29	199-248	200-249	201-251	202-252	203-253	204-254	205-255	206-257
30	207-258	208-259	209-260	210-261	211-263	212-264	213-265	214-266
31	215-267	216-269	217-270	218-271	219-272	220-273	221-275	222-276
32	223-277	224-278	225-279	226-281	227-282	228-283	229-284	230-285
33	231-287	232-288	233-289	234-290	235-291	236-293	237-294	238-295
34	239-296	240-297	241-299	242-300	243-301	244-302	245-303	246-305
35	247-306	248-307	249-308	250-309	251-311	252-312	253-313	254-314
36	255-315	256-317	257-318	258-319	259-320	260-321	261-323	262-324
37	263-325	264-326	265-327	266-329	267-330	268-331	269-332	270-333
38	271-335	272-336	273-337	274-338	275-339	276-341	277-342	278-343
39	279-344	280-345	281-347	282-348	283-349	284-350	285-351	286-353
40	287-354	288-355	289-356	290-357	291-359	292-360	293-361	294-362
41	295-363	296-365	297-366	298-367	299-368	300-369	301-371	302-372
42	303-373	304-374	305-375	306-377	307-378	308-379	309-380	310-381
43	311-383	312-384	313-385	314-386	315-387	316-389	317-390	318-391

1 319-392 320-393 321-395 322-396 323-397 324-398 325-399 326-401
2 327-402 328-403 329-404 330-405 331-407 332-408 333-409 334-410
3 335-411 336-413 337-414 338-415 339-416
4

5 (e1) Maximum Sentences Specified for Class B1 through Class E-I Felonies for
6 Minimum Terms of ~~340~~³⁴⁷ Months or More. – Unless provided otherwise in a statute
7 establishing a punishment for a specific crime, when the minimum sentence is ~~340~~³⁴⁷
8 months or more, the corresponding maximum term of imprisonment shall be equal to
9 the sum of the minimum term of imprisonment and twenty percent (20%) of the
10 minimum term of imprisonment, rounded to the next highest month, ~~plus nine additional~~
11 ~~months.~~^{month.}"

12 **SECTION 4.** Article 81B of Chapter 15A of the General Statutes is
13 amended by adding a new section to read:

14 "**§ 15A-1340.18. Post-release supervision.**

15 (a) Except as provided in subsection (b) of this section, the court must also
16 impose a period of post-release supervision to follow the term of imprisonment and an
17 additional term of imprisonment to be served upon revocation of the period of post-
18 release supervision on all offenders convicted of a Class B1, B2, C, D, E, or F felony
19 offense. The period of supervision and the term of imprisonment are as follows:

20 (1) Period of supervision. – The period of post-release supervision shall be
21 nine months, unless the offense is a Class B1 through F offense for
22 which registration is required pursuant to Article 27A of Chapter 14 of
23 the General Statutes. For offenses subject to the registration
24 requirement of Article 27A of Chapter 14 of the General Statutes, the
25 period of post-release supervision is five years except for G.S. 14-41
26 (abduction of children), G.S. 14-43.3 (felonious restraint), and G.S.
27 14-178 (incest between certain near relatives), for which the period of
28 post-release supervision is nine months.

29 (2) Term of imprisonment. – The term of imprisonment upon revocation
30 of post-release supervision shall be for a minimum term of seven
31 months and a maximum term of nine months.

32 (b) If an offender is convicted of a Class B1, B2, C, D, E, or F felony offense and
33 receives a sentence of imprisonment, then the court may decline to impose post-release
34 supervision if it makes a finding of facts which indicate post-release supervision would
35 not be necessary in that case. If an offender is convicted of a Class B1 felony offense
36 and receives a sentence of life imprisonment without parole, then post-release
37 supervision shall not be imposed.

38 (c) If the court imposes an intermediate punishment on an offender who is
39 required to receive post-release supervision under subsection (a) of this section, then the
40 period of post-release supervision is suspended.

41 (d) Provisions of Article 84A of this Chapter apply to judgments entered
42 pursuant to this section."

43 **SECTION 5.** G.S. 15A-1342(c) reads as rewritten:

1 "(c) Conditions; Suspended Sentence. – When the court places a convicted
2 offender on probation, it must determine conditions of probation as provided in G.S.
3 15A-1343. In addition, it must impose a suspended sentence of imprisonment,
4 determined as provided in Article 83, Imprisonment, which may be activated upon
5 violation of conditions of probation. Suspension of a term of imprisonment also
6 suspends any period of post-release supervision that may be imposed for that offense."

7 **SECTION 6.** G.S. 15A-1354 reads as rewritten:

8 "**§ 15A-1354. Concurrent and consecutive terms of imprisonment.**

9 (a) Authority of Court. – When multiple sentences of imprisonment are imposed
10 on a person at the same time or when a term of imprisonment is imposed on a person
11 who is already subject to an undischarged term of imprisonment, including a term of
12 imprisonment in another jurisdiction, the sentences may run either concurrently or
13 consecutively, as determined by the court. If not specified or not required by statute to
14 run consecutively, sentences shall run concurrently.

15 (b) Effect of Consecutive Terms. – In determining the effect of consecutive
16 sentences imposed under authority of this Article and the manner in which they will be
17 served, the Department of Correction must treat the defendant as though he has been
18 committed for a single term with the following incidents:

19 (1) The maximum prison sentence consists of the total of the maximum
20 terms of the consecutive sentences, ~~less nine months for each of the~~
21 ~~second and subsequent sentences imposed for Class B through Class E~~
22 ~~felonies; and sentences;~~

23 (2) The minimum term consists of the total of the minimum terms of the
24 consecutive sentences.

25 (c) Post-Release Supervision. – When multiple periods of post-release
26 supervision are imposed on a person, either at the same time or in addition to existing
27 periods of supervision, the periods of post-release supervision are consolidated to run as
28 a single period and begin at the conclusion of all terms of imprisonment."

29 **SECTION 7.** G.S. 15A-1368(a) reads as rewritten:

30 "(a) The following words have the listed meaning in this Article:

31 (1) Post-release supervision or supervision. – The time for which a
32 sentenced prisoner is ~~released from prison before~~ supervised in the
33 community following the termination of his maximum prison term,
34 controlled by the rules and conditions of this Article. Purposes of
35 post-release supervision include all or any of the following: to monitor
36 and control the prisoner in the community, to assist the prisoner in
37 reintegrating into society, to collect restitution and other court
38 indebtedness from the prisoner, and to continue the prisoner's
39 treatment or education.

40 (2) Supervisee. – A person released from incarceration and in the custody
41 of the Department of Correction and Post-Release Supervision and
42 Parole Commission on post-release supervision.

43 (3) Commission. – The Post-Release Supervision and Parole Commission,
44 whose general authority is described in G.S. 143B-266.

1 (4) Minimum imposed term. – The minimum term of imprisonment
2 imposed on an individual prisoner by a court judgment, as described in
3 G.S. 15A-1340.13(c). When a prisoner is serving consecutive
4 imprisonment terms, the minimum imposed term, for purposes of this
5 Article, is the sum of all minimum terms imposed in the court
6 judgment.

7 (5) Maximum imposed term. – The maximum term of imprisonment
8 imposed on an individual prisoner by a court judgment, as described in
9 G.S. 15A-1340.13(c). When a prisoner is serving consecutive prison
10 terms, the maximum imposed term, for purposes of this Article, is the
11 sum of all maximum terms imposed in the court judgment or
12 ~~judgments, less nine months for each of the second and subsequent~~
13 ~~sentences imposed for Class B through Class E felonies.~~ judgments."

14 **SECTION 8.** G.S. 15A-1368.1 reads as rewritten:

15 **"§ 15A-1368.1. Applicability of Article 84A.**

16 This Article applies to all felons in Class B1 through Class ~~E-F~~ sentenced to an
17 active punishment under Article 81B of this ~~Chapter, or G.S. 90-95(h),~~ but does not
18 apply to felons in Class B1 sentenced to life imprisonment without parole. Prisoners
19 subject to Articles 85 and 85A of this Chapter are excluded from this Article's
20 coverage."

21 **SECTION 9.** G.S. 15A-1368.2 reads as rewritten:

22 **"§ 15A-1368.2. Post-release supervision eligibility and procedure.**

23 (a) A prisoner to whom this Article applies shall be released from prison for
24 post-release supervision on the date equivalent to his maximum imposed prison term
25 ~~less nine months,~~ less any earned time awarded by the Department of Correction or the
26 custodian of a local confinement facility under G.S. 15A-1340.13(d). If a prisoner has
27 not been awarded any earned time, the prisoner shall be released for post-release
28 supervision on the date equivalent to his maximum prison ~~term less nine months.~~ term.

29 (b) A prisoner shall not refuse post-release supervision.

30 (c) A supervisee's period of post-release supervision shall be for a period of nine
31 months, unless the offense is ~~an~~ a Class B1 through F offense for which registration is
32 required pursuant to Article 27A of Chapter 14 of the General Statutes. For offenses
33 subject to the registration requirement of Article 27A of Chapter 14 of the General
34 Statutes, the period of post-release supervision is five ~~years.~~ years except for G.S. 14-41
35 (abduction of children), G.S. 14-43.3 (felonious restraint), and G.S. 14-178 (incest
36 between certain near relatives), for which the period of post-release supervision is nine
37 months. The conditions of post-release supervision are as authorized in G.S. ~~15A-~~
38 ~~1368.5.~~ 15A-1368.4.

39 ~~(d) A supervisee's period of post release supervision may be reduced while the~~
40 ~~supervisee is under supervision by earned time awarded by the Department of~~
41 ~~Correction, pursuant to rules adopted in accordance with law. A supervisee is eligible to~~
42 ~~receive earned time credit toward the period of supervision for compliance with~~
43 ~~reintegrative conditions described in G.S. 15A-1368.5.~~

44 (e) Repealed by Session Laws 1997-237, s. 7.

1 (f) When a supervisee completes the period of post-release supervision, the
2 sentence or sentences from which the supervisee was placed on post-release supervision
3 are terminated."

4 **SECTION 10.** G.S. 15A-1368.3 reads as rewritten:

5 "**§ 15A-1368.3. Incidents of post-release supervision.**

6 (a) Conditionality. – Post-release supervision is conditional and subject to
7 revocation.

8 (b) Modification. – The Commission may for good cause shown modify the
9 conditions of post-release supervision at any time before the termination of the
10 supervision period.

11 (c) Effect of Violation. – If the supervisee violates a condition, described in G.S.
12 15A-1368.4, at any time before the termination of the supervision period, the
13 Commission may continue the supervisee on the existing supervision, with or without
14 modifying the ~~conditions, or conditions.~~ If the supervisee violates a controlling
15 condition, described in G.S. 15A-1368.4(e) or (e2), and if continuation or modification
16 is not appropriate, the Commission may revoke post-release supervision as provided in
17 G.S. 15A-1368.6 and reimprison the supervisee for a term consistent with the following
18 requirements:

19 (1) The supervisee will be returned to prison ~~up to the time remaining on~~
20 ~~his maximum imposed term for a minimum term of seven months and~~
21 ~~a maximum term of nine months.~~

22 (2) The supervisee shall not receive any credit for days on post-release
23 supervision against the maximum term of imprisonment imposed by
24 the court under G.S. 15A-1340.13.

25 (3) Pursuant to Article 19A of Chapter 15, the Department of Correction
26 shall award a prisoner credit against any term of reimprisonment for all
27 time spent in custody as a result of revocation proceedings under G.S.
28 15A-1368.6.

29 (4) The prisoner is eligible to receive earned time credit against the
30 maximum prison term as provided in G.S. 15A-1340.13(d) for time
31 served in prison after the revocation.

32 (d) No Re-Release After Revocation of Post-Release Supervision. – A prisoner
33 who has been reimprisoned prior to completing a post-release supervision period may
34 ~~again not~~ be released again on post-release supervision by the ~~Commission subject to~~
35 ~~the provisions which govern initial release.~~ Commission.

36 (e) Timing of Revocation. – The Commission may revoke post-release
37 supervision for violation of a controlling condition during the period of supervision. The
38 Commission may also revoke post-release supervision following a period of supervision
39 if:

40 (1) Before the expiration of the period of post-release supervision, the
41 Commission has recorded its intent to conduct a revocation hearing;
42 and

43 (2) The Commission finds that every reasonable effort has been made to
44 notify the supervisee and conduct the hearing earlier. Prima facie

1 evidence of reasonable effort to notify is the issuance of a temporary
2 or conditional revocation order, as provided in G.S. 15A-1376, that
3 goes unserved."

4 **SECTION 11.** G.S. 15A-1368.4 reads as rewritten:

5 **"§ 15A-1368.4. Conditions of post-release supervision.**

6 (a) In General. – Conditions of post-release supervision may be reintegrative in
7 nature or designed to control the supervisee's behavior and to enforce compliance with
8 law or judicial order. A supervisee may have his supervision period revoked for any
9 violation of a controlling condition ~~or for repeated violation of a reintegrative condition.~~
10 ~~Compliance with reintegrative conditions may entitle a supervisee to earned time credits~~
11 ~~as described in G.S. 15A-1368.2(d).~~

12 (b) Required Condition. – The Commission shall provide as an express condition
13 of every release that the supervisee not commit another crime during the period for
14 which the supervisee remains subject to revocation. A supervisee's failure to comply
15 with this controlling condition is a supervision violation for which the supervisee may
16 face revocation as provided in G.S. 15A-1368.3.

17 (b1) Additional Required Conditions for Sex Offenders and Persons Convicted of
18 Offenses Involving Physical, Mental, or Sexual Abuse of a Minor. – In addition to the
19 required condition set forth in subsection (b) of this section, for a supervisee who has
20 been convicted of an offense which is a reportable conviction as defined in G.S.
21 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor,
22 controlling conditions, violations of which may result in revocation of post-release
23 supervision, are:

- 24 (1) Register as required by G.S. 14-208.7 if the offense is a reportable
25 conviction as defined by G.S. 14-208.6(4).
- 26 (2) Participate in such evaluation and treatment as is necessary to
27 complete a prescribed course of psychiatric, psychological, or other
28 rehabilitative treatment as ordered by the Commission.
- 29 (3) Not communicate with, be in the presence of, or found in or on the
30 premises of the victim of the offense.
- 31 (4) Not reside in a household with any minor child if the offense is one in
32 which there is evidence of sexual abuse of a minor.
- 33 (5) Not reside in a household with any minor child if the offense is one in
34 which there is evidence of physical or mental abuse of a minor, unless
35 ~~a court of competent jurisdiction~~ the Post-Release Supervision and
36 Parole Commission expressly finds that it is unlikely that the
37 defendant's harmful or abusive conduct will recur and that it would be
38 in the child's best interest to allow the supervisee to reside in the same
39 household with a minor child.

40 (c) Discretionary Conditions. – The Commission, in consultation with the
41 Division of Adult Probation and Parole, may impose reintegrative or controlling
42 conditions on a supervisee it believes reasonably necessary to ensure that the supervisee
43 will lead a law-abiding life or to assist the supervisee to do so.

1 (d) Reintegrative Conditions. – Appropriate reintegrative ~~conditions, for which a~~
2 ~~supervisee may receive earned time credits against the length of the supervision period,~~
3 ~~and repeated violation that may result in revocation of post-release supervision,~~
4 conditions are:

- 5 (1) Work faithfully at suitable employment or faithfully pursue a course of
6 study or vocational training that will equip the supervisee for suitable
7 employment.
- 8 (2) Undergo available medical or psychiatric treatment and remain in a
9 specified institution if required for that purpose.
- 10 (3) Attend or reside in a facility providing rehabilitation, instruction,
11 recreation, or residence for persons on post-release supervision.
- 12 (4) Support the supervisee's dependents and meet other family
13 responsibilities.
- 14 (5) In the case of a supervisee who attended a basic skills program during
15 incarceration, continue attending a basic skills program in pursuit of a
16 General Education Development Degree or adult high school diploma.
- 17 (6) Satisfy other conditions reasonably related to reintegration into
18 society.

19 (e) Controlling Conditions. – Appropriate controlling conditions, violation of
20 which may result in revocation of post-release supervision, are:

- 21 (1) Not use, possess, or control any illegal drug or controlled substance
22 unless it has been prescribed for the supervisee by a licensed physician
23 and is in the original container with the prescription number affixed on
24 it; not knowingly associate with any known or previously convicted
25 users, possessors, or sellers of any such illegal drugs or controlled
26 substances; and not knowingly be present at or frequent any place
27 where such illegal drugs or controlled substances are sold, kept, or
28 used.
- 29 (2) Comply with a court order to pay the costs of reintegrative treatment
30 for a minor and a minor's parents or custodians where the offense
31 involved evidence of physical, mental, or sexual abuse of a minor.
- 32 (3) Comply with a court order to pay court costs and costs for appointed
33 counsel or public defender in the case for which the supervisee was
34 convicted.
- 35 (4) Not possess a firearm, destructive device, or other dangerous weapon
36 unless granted written permission by the Commission or a post-release
37 supervision officer.
- 38 (5) Report to a post-release supervision officer at reasonable times and in
39 a reasonable manner, as directed by the Commission or a post-release
40 supervision officer.
- 41 (6) Permit a post-release supervision officer to visit at reasonable times at
42 the supervisee's home or elsewhere.

- 1 (7) Remain within the geographic limits fixed by the Commission unless
2 granted written permission to leave by the Commission or the
3 post-release supervision officer.
- 4 (8) Answer all reasonable inquiries by the post-release supervision officer
5 and obtain prior approval from the post-release supervision officer for
6 any change in address or employment.
- 7 (9) Promptly notify the post-release supervision officer of any change in
8 address or employment.
- 9 (10) Submit at reasonable times to searches of the supervisee's person by a
10 post-release supervision officer for purposes reasonably related to the
11 post-release supervision. The Commission shall not require as a
12 condition of post-release supervision that the supervisee submit to any
13 other searches that would otherwise be unlawful. Whenever the search
14 consists of testing for the presence of illegal drugs, the supervisee may
15 also be required to reimburse the Department of Correction for the
16 actual cost of drug testing and drug screening, if the results are
17 positive.
- 18 (11) Make restitution or reparation to an aggrieved party as provided in
19 G.S. 148-57.1.
- 20 (12) Comply with an order from a court of competent jurisdiction regarding
21 the payment of an obligation of the supervisee in connection with any
22 judgment rendered by the court.
- 23 (13) Remain in one or more specified places for a specified period or
24 periods each day, and wear a device that permits the defendant's
25 compliance with the condition to be monitored electronically.
- 26 (14) Submit to supervision by officers assigned to the Intensive
27 Post-Release Supervision Program established pursuant to G.S.
28 143B-262(c), and abide by the rules adopted for that Program.
- 29 (e1) Prohibited Conditions. – The Commission shall not impose community
30 service as a condition of post-release supervision.
- 31 (e2) Additional Discretionary Controlling Conditions for Sex Offenders and
32 Persons Convicted of Offenses Involving Physical, Mental, or Sexual Abuse of a Minor.
33 – In addition to the discretionary conditions set forth in subsections (d) and (e) of this
34 section, for a supervisee who has been convicted of an offense which is a reportable
35 conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or
36 sexual abuse of a minor, appropriate discretionary controlling conditions, violations of
37 which may result in revocation of post-release supervision, are that the offender:
- 38 (1) Reside at a residence to be approved by the supervising officer.
- 39 (2) Not have contact with the victim including, but not limited to: letters,
40 phone calls, tapes, videos, computer, Internet, or visits. This includes
41 any form of direct contact, or any form of contact through a third
42 party.
- 43 (3) Not socialize or communicate with individuals under the age of 18 in
44 work or social activities unless accompanied by a responsible adult

- 1 who is aware of the abusive patterns and is approved in writing by the
2 supervising officer.
- 3 (4) Submit to psychological and psychophysiological assessment at the
4 direction of the supervising officer to assist in treatment planning and
5 case monitoring.
- 6 (5) Participate in a sexual abuse treatment program approved by the
7 supervising officer and complete the same to the full satisfaction of the
8 treatment provider. Comply with all programs, including the polygraph
9 examinations, to be used as a tool in conjunction with the treatment
10 plan developed by the treatment provider. Program participation is
11 defined as attendance at all meetings, prompt payment of fees,
12 admission of responsibility for his or her offense, and progress toward
13 reasonable treatment goals.
- 14 (6) Pay for the victims' mental health counseling expenses that are
15 incurred as a result of the crime or offense as ordered by the court.
- 16 (7) Not possess any sexually stimulating or sexually oriented materials as
17 deemed inappropriate by the supervising officer, nor patronize any
18 place where such material or entertainment is the primary business.
- 19 (8) Not use, possess, control, distribute, sell, exchange, or collect
20 pornography or child erotica, including any obtained through Internet
21 access or telephonic communications.
- 22 (9) Submit at reasonable times to warrantless searches and seizures by the
23 supervising officer of his person, vehicle, premises, computer
24 equipment, and telephone records while he is present for the purposes
25 of detecting or discovering pornography and/or erotica, which are
26 reasonably related to his supervision.
- 27 (10) Not linger, loiter, nor spend time at locations where persons under 18
28 years of age are likely to be present, including but not limited to:
29 parks, playgrounds, school yards, arcades, or places frequented by
30 children activities and such similar places whose purpose is the care,
31 entertainment, or education of such persons under 18 years of age.
- 32 (11) Not work or volunteer for any business or organization(s) that provides
33 services to or employs persons under 18 years of age. This includes,
34 but is not limited to: arcades, baby-sitting, day care agencies, schools,
35 churches, playgrounds, and youth sporting activities or groups. The
36 supervising officer must approve employment.
- 37 (12) Not associate with or have any contact with convicted sex offenders
38 unless in a counseling group.
- 39 (13) When given authorization to visit another jurisdiction, present a travel
40 letter to the local police department, have it signed, and return it to the
41 supervising officer.
- 42 (14) Not purchase, possess, or consume alcoholic beverages or controlled
43 substances. Submit to blood, breath, and urine testing for analysis for

1 the presence of prohibited drugs or alcohol as requested by the
2 supervising officer and pay any fees associated with testing.

3 (15) Not be alone with any minor child below the age of 18 years unless
4 approved by his supervising officer in writing.

5 (16) Not engage in any sexual behavior with any minor child below the age
6 of 18 years.

7 (17) Not possess any children's videos, games, books, toys, or any other
8 such materials typically used by children.

9 (18) Abide by a curfew at the discretion of the supervising officer.

10 (f) Required Supervision Fee. – The Commission shall require as a condition of
11 post-release supervision that the supervisee pay a supervision fee of twenty dollars
12 (\$20.00) per month. The Commission may exempt a supervisee from this condition only
13 if it finds that requiring payment of the fee is an undue economic burden. The fee shall
14 be paid to the clerk of superior court of the county in which the supervisee was
15 convicted. The clerk shall transmit any money collected pursuant to this subsection to
16 the State to be deposited in the State's General Fund. In no event shall a supervisee be
17 required to pay more than one supervision fee per month."

18 **SECTION 12.** G.S. 90-95(h) reads as rewritten:

19 "(h) Notwithstanding any other provision of law, the following provisions apply
20 except as otherwise provided in this Article.

21 (1) Any person who sells, manufactures, delivers, transports, or possesses
22 in excess of 10 pounds (avoirdupois) of marijuana shall be guilty of a
23 felony which felony shall be known as 'trafficking in marijuana' and if
24 the quantity of such substance involved:

25 a. Is in excess of 10 pounds, but less than 50 pounds, such person
26 shall be punished as a Class H felon and shall be sentenced to a
27 minimum term of 25 months and a maximum term of 30
28 months in the State's prison and shall be fined not less than five
29 thousand dollars (\$5,000);

30 b. Is 50 pounds or more, but less than 2,000 pounds, such person
31 shall be punished as a Class G felon and shall be sentenced to a
32 minimum term of 35 months and a maximum term of 42
33 months in the State's prison and shall be fined not less than
34 twenty-five thousand dollars (\$25,000);

35 c. Is 2,000 pounds or more, but less than 10,000 pounds, such
36 person shall be punished as a Class F felon and shall be
37 sentenced to a minimum term of 70 months and a maximum
38 term of 84 months in the State's prison and shall be fined not
39 less than fifty thousand dollars (\$50,000);

40 d. Is 10,000 pounds or more, such person shall be punished as a
41 Class D felon and shall be sentenced to a minimum term of 175
42 months and a maximum term of ~~219~~210 months in the State's
43 prison and shall be fined not less than two hundred thousand
44 dollars (\$200,000).

- 1 (2) Any person who sells, manufactures, delivers, transports, or possesses
2 1,000 tablets, capsules or other dosage units, or the equivalent
3 quantity, or more of methaqualone, or any mixture containing such
4 substance, shall be guilty of a felony which felony shall be known as
5 'trafficking in methaqualone' and if the quantity of such substance or
6 mixture involved:
- 7 a. Is 1,000 or more dosage units, or equivalent quantity, but less
8 than 5,000 dosage units, or equivalent quantity, such person
9 shall be punished as a Class G felon and shall be sentenced to a
10 minimum term of 35 months and a maximum term of 42
11 months in the State's prison and shall be fined not less than
12 twenty-five thousand dollars (\$25,000);
- 13 b. Is 5,000 or more dosage units, or equivalent quantity, but less
14 than 10,000 dosage units, or equivalent quantity, such person
15 shall be punished as a Class F felon and shall be sentenced to a
16 minimum term of 70 months and a maximum term of 84
17 months in the State's prison and shall be fined not less than fifty
18 thousand dollars (\$50,000);
- 19 c. Is 10,000 or more dosage units, or equivalent quantity, such
20 person shall be punished as a Class D felon and shall be
21 sentenced to a minimum term of 175 months and a maximum
22 term of ~~219~~210 months in the State's prison and shall be fined
23 not less than two hundred thousand dollars (\$200,000).
- 24 (3) Any person who sells, manufactures, delivers, transports, or possesses
25 28 grams or more of cocaine and any salt, isomer, salts of isomers,
26 compound, derivative, or preparation thereof, or any coca leaves and
27 any salt, isomer, salts of isomers, compound, derivative, or preparation
28 of coca leaves, and any salt, isomer, salts of isomers, compound,
29 derivative or preparation thereof which is chemically equivalent or
30 identical with any of these substances (except decocainized coca
31 leaves or any extraction of coca leaves which does not contain
32 cocaine) or any mixture containing such substances, shall be guilty of
33 a felony, which felony shall be known as 'trafficking in cocaine' and if
34 the quantity of such substance or mixture involved:
- 35 a. Is 28 grams or more, but less than 200 grams, such person shall
36 be punished as a Class G felon and shall be sentenced to a
37 minimum term of 35 months and a maximum term of 42
38 months in the State's prison and shall be fined not less than fifty
39 thousand dollars (\$50,000);
- 40 b. Is 200 grams or more, but less than 400 grams, such person
41 shall be punished as a Class F felon and shall be sentenced to a
42 minimum term of 70 months and a maximum term of 84
43 months in the State's prison and shall be fined not less than one
44 hundred thousand dollars (\$100,000);

1 c. Is 400 grams or more, such person shall be punished as a Class
2 D felon and shall be sentenced to a minimum term of 175
3 months and a maximum term of ~~219~~210 months in the State's
4 prison and shall be fined at least two hundred fifty thousand
5 dollars (\$250,000).

6 (3a) Repealed by Session Laws 1999-370, s. 1.

7 (3b) Any person who sells, manufactures, delivers, transports, or possesses
8 28 grams or more of methamphetamine or amphetamine shall be guilty
9 of a felony which felony shall be known as 'trafficking in
10 methamphetamine or amphetamine' and if the quantity of such
11 substance or mixture involved:

12 a. Is 28 grams or more, but less than 200 grams, such person shall
13 be punished as a Class F felon and shall be sentenced to a
14 minimum term of 70 months and a maximum term of 84
15 months in the State's prison and shall be fined not less than fifty
16 thousand dollars (\$50,000);

17 b. Is 200 grams or more, but less than 400 grams, such person
18 shall be punished as a Class E felon and shall be sentenced to a
19 minimum term of 90 months and a maximum term of ~~147~~108
20 months in the State's prison and shall be fined not less than one
21 hundred thousand dollars (\$100,000);

22 c. Is 400 grams or more, such person shall be punished as a Class
23 C felon and shall be sentenced to a minimum term of 225
24 months and a maximum term of ~~279~~270 months in the State's
25 prison and shall be fined at least two hundred fifty thousand
26 dollars (\$250,000).

27 (4) Any person who sells, manufactures, delivers, transports, or possesses
28 four grams or more of opium or opiate, or any salt, compound,
29 derivative, or preparation of opium or opiate (except apomorphine,
30 nalbuphine, analoxone and naltrexone and their respective salts),
31 including heroin, or any mixture containing such substance, shall be
32 guilty of a felony which felony shall be known as 'trafficking in opium
33 or heroin' and if the quantity of such controlled substance or mixture
34 involved:

35 a. Is four grams or more, but less than 14 grams, such person shall
36 be punished as a Class F felon and shall be sentenced to a
37 minimum term of 70 months and a maximum term of 84
38 months in the State's prison and shall be fined not less than fifty
39 thousand dollars (\$50,000);

40 b. Is 14 grams or more, but less than 28 grams, such person shall
41 be punished as a Class E felon and shall be sentenced to a
42 minimum term of 90 months and a maximum term of ~~147~~108
43 months in the State's prison and shall be fined not less than one
44 hundred thousand dollars (\$100,000);

1 c. Is 28 grams or more, such person shall be punished as a Class C
2 felon and shall be sentenced to a minimum term of 225 months
3 and a maximum term of ~~279~~270 months in the State's prison
4 and shall be fined not less than five hundred thousand dollars
5 (\$500,000).

6 (4a) Any person who sells, manufactures, delivers, transports, or possesses
7 100 tablets, capsules, or other dosage units, or the equivalent quantity,
8 or more, of Lysergic Acid Diethylamide, or any mixture containing
9 such substance, shall be guilty of a felony, which felony shall be
10 known as 'trafficking in Lysergic Acid Diethylamide'. If the quantity
11 of such substance or mixture involved:

12 a. Is 100 or more dosage units, or equivalent quantity, but less
13 than 500 dosage units, or equivalent quantity, such person shall
14 be punished as a Class G felon and shall be sentenced to a
15 minimum term of 35 months and a maximum term of 42
16 months in the State's prison and shall be fined not less than
17 twenty-five thousand dollars (\$25,000);

18 b. Is 500 or more dosage units, or equivalent quantity, but less
19 than 1,000 dosage units, or equivalent quantity, such person
20 shall be punished as a Class F felon and shall be sentenced to a
21 minimum term of 70 months and a maximum term of 84
22 months in the State's prison and shall be fined not less than fifty
23 thousand dollars (\$50,000);

24 c. Is 1,000 or more dosage units, or equivalent quantity, such
25 person shall be punished as a Class D felon and shall be
26 sentenced to a minimum term of 175 months and a maximum
27 term of ~~219~~210 months in the State's prison and shall be fined
28 not less than two hundred thousand dollars (\$200,000).

29 (4b) Any person who sells, manufactures, delivers, transports, or possesses
30 100 or more tablets, capsules, or other dosage units, or 28 grams or
31 more of 3,4-methylenedioxyamphetamine (MDA), including its salts,
32 isomers, and salts of isomers, or 3,4-methylenedioxymethamphetamine
33 (MDMA), including its salts, isomers, and salts of isomers, or any
34 mixture containing such substances, shall be guilty of a felony, which
35 felony shall be known as 'trafficking in MDA/MDMA.' If the quantity
36 of the substance or mixture involved:

37 a. Is 100 or more tablets, capsules, or other dosage units, but less
38 than 500 tablets, capsules, or other dosage units, or 28 grams or
39 more, but less than 200 grams, the person shall be punished as a
40 Class G felon and shall be sentenced to a minimum term of 35
41 months and a maximum term of 42 months in the State's prison
42 and shall be fined not less than twenty-five thousand dollars
43 (\$25,000);

1 b. Is 500 or more tablets, capsules, or other dosage units, but less
2 than 1,000 tablets, capsules, or other dosage units, or 200 grams
3 or more, but less than 400 grams, the person shall be punished
4 as a Class F felon and shall be sentenced to a minimum term of
5 70 months and a maximum term of 84 months in the State's
6 prison and shall be fined not less than fifty thousand dollars
7 (\$50,000);

8 c. Is 1,000 or more tablets, capsules, or other dosage units, or 400
9 grams or more, the person shall be punished as a Class D felon
10 and shall be sentenced to a minimum term of 175 months and a
11 maximum term of ~~219~~210 months in the State's prison and shall
12 be fined not less than two hundred fifty thousand dollars
13 (\$250,000).

14 (5) Except as provided in this subdivision, a person being sentenced under
15 this subsection may not receive a suspended sentence or be placed on
16 probation. The sentencing judge may reduce the fine, or impose a
17 prison term less than the applicable minimum prison term provided by
18 this subsection, or suspend the prison term imposed and place a person
19 on probation when such person has, to the best of his knowledge,
20 provided substantial assistance in the identification, arrest, or
21 conviction of any accomplices, accessories, co-conspirators, or
22 principals if the sentencing judge enters in the record a finding that the
23 person to be sentenced has rendered such substantial assistance.

24 (6) Sentences imposed pursuant to this subsection shall run consecutively
25 with and shall commence at the expiration of any sentence being
26 served by the person sentenced hereunder."

27 **SECTION 13.** This act becomes effective December 1, 2001, and applies to
28 offenses committed on or after that date.