



**Select North Carolina Mandatory Minimum Laws**

**IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.**

**Drug Offenses**

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
<b>G.S. § 90-95(h)</b>	<b>Trafficking*</b>	
(h)(1)(a)-(d)	MARIJUANA 10 – 49 pounds 50 – 1,999 pounds 2,000 – 9,999 pounds 10,000+ pounds	25 Months 35 Months 70 Months 175 Months
(h)(2)(a)-(c)	METHAQUALONE 1,000 – 4,999 tablets or dosage units 5,000 – 9,999 tablets or dosage units 10,000+ tablets or dosage units	35 Months 70 Months 175 Months
(h)(3)(a)-(c)	COCAINE 28 – 199 grams 200 – 399 grams 400+ grams	35 Months 70 Months 175 Months
(h)(3b)(a)-(c)	METHAMPHETAMINE 28 – 199 grams 200 – 399 grams 400+ grams	70 Months 90 Months 225 Months
(h)(3c)(a)-(c)	AMPHETAMINE 28 – 199 grams 200 – 399 grams 400+ grams	25 Months 35 Months 90 Months
(h)(4)(a)-(c)	OPIUM OR HEROIN 4 – 13 grams 14 – 27 grams 28+ grams	70 Months 90 Months 225 Months
(h)(4a)(a)-(c)	LYSERGIC ACID DIETHYLAMIDE (LSD) 100 – 499 dosage units 500 – 999 dosage units 1,000+ dosage units	35 Months 70 Months 175 Months



**Drug Offenses, cont.**

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
<b>G.S. § 90-95(h)</b>	<b>Trafficking*</b>	
(h)(4b)(a)-(c)	MDA/MDMA 100 – 499 dosage units OR 28 – 199 grams 500 – 999 dosage units OR 200 – 399 grams 1000+ dosage units OR 400+ grams	35 Months 70 Months 175 Months
<b>G.S. § 20-138.5(b)</b>	<b>Other Drug Offenses</b>	
	Habitually impaired driving (three or more convictions of driving under the influence of alcohol or drugs within 10 years of the date of the current offense)	12 Months

\*A person convicted of a trafficking offense is not sentenced under the Structured Sentencing Act. That person may not receive a suspended sentence or be placed on probation. However, the sentencing judge may impose a prison term less than the applicable minimum prison term provided, or suspend the prison term imposed and place a person on probation when such person has, to the best of his knowledge, provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals if the sentencing judge enters in the record a finding that the person to be sentenced has rendered such substantial assistance. "Trafficking" includes the sale, manufacture, delivery, transport, or possession of the prescribed quantity of a controlled substance, or a conspiracy to commit any of these crimes.

**Sex/Child Pornography Offenses**

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
G.S. § 14-27.4A(b)	Sexual offense with a child under the age of 13, and the defendant is over age 18	300 Months

**Habitual Offenders**

<b>Code Section</b>	<b>Offense</b>	<b>Mandatory Minimum Sentence</b>
G.S. § 14-7.6	Committing a felony and being found to be a habitual felon (three prior felony convictions)	44 Months*
G.S. § 14-7.12	Committing a violent felony <sup>o</sup> and being found to be a violent habitual felon (two past violent felony convictions)	Life without parole

\*Habitual felons convicted under G.S. § 14-7.6 are classified as Class C felons. 44 months is the lowest mitigated sentence available for a Class C felony.

<sup>o</sup> "Violent felony" includes all Class A through E felonies and any offense that, if committed in another jurisdiction, is substantially similar to those felonies offenses.