



CHAPTER 15A  
ARTICLE 81B - STRUCTURED SENTENCING OF PERSONS CONVICTED OF CRIMES

N.C.G.S. § 15A-1340.16A.

Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display a firearm or deadly weapon during the commission of the felony.

| SOURCE                                                                   | LAST AMENDMENT IN THIS TEXT                     | RETRIEVED                    | SOURCE FINGERPRINT                                                     |
|--------------------------------------------------------------------------|-------------------------------------------------|------------------------------|------------------------------------------------------------------------|
| General Statutes of North Carolina, as published by the General Assembly | S.L. 2013-369, s. 5 — fourth act in the lineage | 21 September 2026, 05:54 UTC | 22849f5dedf28bd60848965a - 9305d8d29213a573f513037c - 1b60d6335f760b58 |

§ 15A-1340.16A(-a) , (b) Repealed by Session Laws 2003-378, s. 2, effective August 1, 2003.

§ 15A-1340.16A(-c) If a person is convicted of a felony and it is found as provided in this section that: (i) the person committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and (ii) the person actually possessed the firearm or deadly weapon about his or her person, then the person shall have the minimum term of imprisonment to which the person is sentenced for that felony increased as follows:

(1) If the felony is a Class A, B1, B2, C, D, or E felony, the minimum term of imprisonment to which the person is sentenced for that felony shall be increased by 72 months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 72 months, as specified in G.S. 15A-1340.17(e) and (e1).

- (2) If the felony is a Class F or G felony, the minimum term of imprisonment to which the person is sentenced for that felony shall be increased by 36 months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 36 months, as specified in G.S. 15A-1340.17(d).
- (3) If the felony is a Class H or I felony, the minimum term of imprisonment to which the person is sentenced for that felony shall be increased by 12 months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 12 months, as specified in G.S. 15A-1340.17(d).

**§ 15A-1340.16A(-d)**

An indictment or information for the felony shall allege in that indictment or information the facts set out in subsection (c) of this section. The pleading is sufficient if it alleges that the defendant committed the felony by using, displaying, or threatening the use or display of a firearm or deadly weapon and the defendant actually possessed the firearm or deadly weapon about the defendant's person. One pleading is sufficient for all felonies that are tried at a single trial.

**§ 15A-1340.16A(-e)**

The State shall prove the issues set out in subsection (c) of this section beyond a reasonable doubt during the same trial in which the defendant is tried for the felony unless the defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest to the felony but pleads not guilty to the issues set out in subsection (c) of this section, then a jury shall be impaneled to determine the issues.

**§ 15A-1340.16A(f)**

Subsection (c) of this section does not apply if the evidence of the use, display, or threatened use or display of the firearm or deadly weapon is needed to prove an element of the felony or if the person is not sentenced to an active term of imprisonment.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I  
4 ACTS

## Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1994 2004 2013

TICK HEIGHT = ACTS IN THAT YEAR      DASHED = RECODIFICATION, NOT AMENDMENT

| Nº | YEAR | ACT                     | CHARACTER |
|----|------|-------------------------|-----------|
| 01 | 1994 | Ex. Sess., c. 22, s. 20 | ENACTED   |
| 02 | 2003 | S.L. 2003-378, s. 2     | AMENDED   |
| 03 | 2008 | S.L. 2008-214, s. 5     | AMENDED   |
| 04 | 2013 | S.L. 2013-369, s. 5     | AMENDED   |

APPARATUS II  
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

| REFERENCE                    | APPEARS IN | OPERATIVE LANGUAGE IN THIS SECTION     |
|------------------------------|------------|----------------------------------------|
| G.S. 15A-1340.17(e) and (e1) | (c)(1)     | <i>"by 72 months, as specified in"</i> |
| G.S. 15A-1340.17(d)          | (c)(2)     | <i>"by 36 months, as specified in"</i> |

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-1340.16A (2013).

PINPOINT

N.C. Gen. Stat. § 15A-1340.16A(a) (2013).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

## COLOPHON

## Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

---

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1994, Ex. Sess., c. 22, s. 20; 2003-378, s. 2; 2008-214, s. 5; 2013-369, s. 5.)

---

SET IN SPECTRAL AND ARCHIVO  
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

