

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 453
HOUSE BILL 208

1 AN ACT TO AMEND G.S. 15-25.1 SO AS TO AUTHORIZE THE USE OF SEARCH
2 WARRANTS IN CONNECTION WITH STIMULANT DRUGS.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** G.S. 15-25.1, as the same appears in the 1959 Cumulative Supplement,
7 is hereby amended by rewriting the same to read as follows:

8 **"Sec. 15-25.1. Search warrants for barbiturate and stimulant drugs.** (a) A search warrant
9 authorizing an officer to search a person or place for barbiturate drugs or stimulant drugs may
10 be issued by any judge of any court of record, any clerk or assistant clerk of any court of
11 record, or any justice of the peace under the conditions set forth in this Section. When such
12 warrant is issued by a judge or clerk or assistant clerk of the Superior Court or a justice of the
13 peace, it may be executed anywhere in the county in which it is issued. When such warrant is
14 issued by a judge or clerk or assistant clerk of any court inferior to the Superior Court, it may
15 be executed only within the territorial jurisdiction of such inferior court. Such warrant shall be
16 directed to any proper peace officer and shall authorize him to search for such barbiturate or
17 stimulant drugs, to seize the same, and to make return thereof to any court of competent
18 jurisdiction, to be dealt with according to law.

19 Such warrant shall be issued only if it is established that there is a reason to suspect that
20 some person has in his possession any barbiturate or stimulant drugs for sale, disposition or
21 other purpose, such sale, disposition or other purpose being unlawful.

22 A warrant shall issue only on affidavit sworn to before a judge or a clerk or assistant clerk
23 of a court of record or a justice of the peace, establishing the grounds for issuing the warrant. If
24 such judge, justice of the peace, or clerk or assistant clerk is satisfied that grounds for the
25 application exist or that there is probable cause to believe that they exist, he shall issue a
26 warrant identifying the drugs and naming or describing the person or place to be searched. The
27 warrant shall state the grounds or probable cause for its issuance and the names of the persons
28 whose affidavits have been taken in support thereof. It shall command the officer to search
29 forthwith the person or place named for the property specified. No warrant shall be issued in
30 any case upon an affidavit stating nothing more than 'information and belief'.

31 (b) The term 'barbiturate drug' means:

- 32 (1) Barbiturate acid, the salts and derivatives of barbituric acid, or compounds,
33 preparations or mixtures thereof; and
34 (2) Drugs, compounds, preparations or mixtures which have a hypnotic or
35 somnifacient effect on the body of a human or animal, to be found by the
36 State Board of Pharmacy and duly promulgated by rule or regulation; except
37 that the term 'barbiturate drug' shall not include any drug the manufacture or
38 delivery of which is regulated by the narcotic drug laws of this State;
39 provided, however, that the term 'barbiturate drug' shall not include
40 compounds, mixtures, or preparations containing barbituric acid, salts or
41 derivatives of barbituric acid, when such compounds, mixtures, or
42 preparations contain a sufficient quantity of another drug or drugs, in

addition to such acid, salts or derivatives, to cause the resultant product to produce an action other than its hypnotic or somnifacient action.

3 (c) The term 'stimulant drug' means any drug consisting of amphetamine,
4 desoxyephedrine (methamphetamine), mephentermine, pipradol, phenmetrazine,
5 methylphenidate, or any salt, mixture or optical isomer of any of them, which drug, salt,
6 mixture or optical isomer has a stimulating effect on the central nervous system, but shall not
7 include preparations containing any of the aforementioned drugs, salts, mixtures or optical
8 isomers thereof which is compounded, mixed or prepared with another drug so as to cause the
9 resultant product to produce an action other than that of predominantly stimulating the central
10 nervous system."

11 **Sec. 2.** All laws and clauses of laws in conflict with the provisions of this Act are
12 hereby repealed.

Sec. 3. This Act shall become effective November 1, 1961.

14 In the General Assembly read three times and ratified, this the 18th day of May,
15 1961.