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PUNISHMENT CHART FOR CRIMES OF GENERAL INTEREST  
IN THE SUPERIOR COURTS OF NORTH CAROLINA

( 2nd Edition, 1967 )

INSTITUTE OF GOVERNMENT  
University of North Carolina  
at Chapel Hill

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This chart is the second compilation based upon an earlier chart of unidentified source entitled "Summary of Crimes Most Frequently Committed by Punishment, Grade, and Statute." Because the earliest chart excluded a number of minor offenses often committed and included a number of felonies seldom committed, the title was changed in the latter two revisions.

The chart is current through the 1967 session of the General Assembly. Although a few important crimes have been added that were either omitted from the previous charts or since their publication enacted by the General Assembly, this chart is patterned after the earlier versions. The chart is not inclusive, but the crimes listed should include those comprising the major portion of the criminal docket of any Superior Court. Few offenses the punishment for which does not exceed \$50 or 30 days or motor vehicle offenses under Chapter 20 of the General Statutes are included. The former offenses are contained in another chart, now available from the Institute of Government. A chart containing the latter offenses is scheduled to be reprinted.

The holding in State v. Blackmon, 260 N.C. 352, 132 S.E.2d 880 (1963), complicated the preparation of this chart. It overruled prior cases and held that the phrase "fine or imprisonment in the State's prison, or both, in the discretion of the court" in a substantive criminal statute was not a specific punishment. Thus, G.S. 14-2, which provides the punishment for "any felony for which no specific punishment is prescribed by statute," was invoked to

limit the maximum imprisonment to ten years.<sup>1</sup> Problems raised by the application of Blackmon to the statutory provisions follow.

(1) Some felony statutes provide punishment of imprisonment and fine or of imprisonment or fine. The lack in such provisions of a specific term for the imprisonment necessitates reference to G.S. 14-2 which prescribes limited imprisonment or fine or both--giving the court three alternatives.<sup>2</sup> Whether reference to G.S. 14-2 for the limits on imprisonment also requires that that section be respected in its provision for these three alternatives is not clear. The more reasonable conclusion seems to be to accept the term of imprisonment provided by G.S. 14-2 (up to 10 years), but to follow the combination of punishments specified by the substantive statute. Hence, with regard to that statute imposing imprisonment and fine the court would not, under this interpretation, have the alternatives of either fine solely or imprisonment solely.<sup>3</sup> Likewise, where the penalty is imprisonment or fine, the court could not do both. The chart incorporates this resolution of the problem. When the issue is involved, it is noted by an asterisk (\*).

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<sup>1</sup>The statute, as rewritten by the 1967 General Assembly, provides: . . . Every person who shall be convicted of any felony for which no specific punishment is prescribed by statute shall be punishable by fine, by imprisonment for a term not exceeding ten years, or by both, in the discretion of the court. N.C. Gen. Stat. § 14-2 (Supp. 1967).

<sup>2</sup>The 1967 General Assembly added "or both" to G.S. 14-2, and thereby removed the difficulty that was formerly present because of the lack of this alternative. Some statutes provide for fine or imprisonment or both. The question was whether the substantive statutes should have been followed to allow both, or should G.S. 14-2 control, which imposed a fine only as an alternative to imprisonment.

<sup>3</sup>G.S. 14-92, embezzlement by officials and employees of certain public or private institutions, is the only statute carrying such a punishment included in this chart. Although no search among the rest of the statutes was made by the compiler of the chart, it is believed that few if any other statutes impose a similar penalty.

(2) The Blackmon holding apparently has been extended to misdemeanors,<sup>4</sup> necessitating reference to G.S. 14-3 when the substantive statute specifies no term of imprisonment. G.S. 14-3(a) punishes misdemeanors for which no specific punishment is provided "by fine, by imprisonment for a term not exceeding two years, or by both."<sup>5</sup> The impact of Blackmon on misdemeanors is in these areas:

(a) Reference to G.S. 14-3(b) subjects misdemeanors to the possibility of "escalation" to felonies. If a misdemeanor punishable under G.S. 14-3 is infamous, done in secrecy and malice, or done with intent to defraud it becomes a felony punishable up to ten years. The escalation clause likely will be interpreted conservatively to prevent wholesale creation of new felonies, but the possibility is real.

(b) A problem analagous to that discussed in (1) above arises in relation to misdemeanors. Many of the substantive misdemeanor statutes call for fine or imprisonment; G.S. 14-3 calls for fine or imprisonment or both. Again, the punishment is charted with the combination of punishments specified by the substantive statute. An asterisk here too notes the involvement of this issue.

The crimes in this chart are set out in alphabetical order of major subject matter headings. Cross reference has been added in a few instances in the body of the chart to facilitate the finding of specific crimes under the proper major headings. The numbers listed under "SOURCE" refer to chapter and section number of the General Statutes; "c.l." indicates common law. The subject matter headings are listed in full on the reverse of this page. On the page following there is a table of General Statute numbers with reference to pages on which each might be found within the chart.

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<sup>4</sup>State v. Adams, 266 N.C. 406, 146 S.E.2d 505 (1966) (dictum).

<sup>5</sup>This language was added by the 1967 General Assembly, which deleted the former phrase "as misdemeanors at common law." But since the new language simply embodied what the courts had declared, there was no change in punishment of misdemeanors as a result of the 1967 act.

ABANDONMENT AND NONSUPPORT

ABORTION AND RELATED  
OFFENSES

ACCESSORY TO FELONY

ADULTERY (and fornication)

AFFRAY

See "ASSAULT"

ARSON AND BURNING

See also "BURNING  
CROPS"

ASSAULT (and other offenses  
against the person)

ATTEMPTS

BARRATRY

BASTARDY (nonsupport by  
parents of illegitimate  
child under 18)

BIGAMY (and bigamous  
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BLACKMAILING

See "FRAUD"

BRIBERY

BURGLARY AND OTHER BREAKING

For breaking and entering  
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See "OBSTRUCTING JUSTICE"

BURNING OR DESTROYING  
CROPS IN FIELD

COMMON NUISANCE

COMPOUNDING A FELONY

CONCEALED WEAPON, CARRYING

CONCEALING BIRTH OF A CHILD

CONSPIRACY

COUNTERFEITING OR UTTERING  
COUNTERFEIT MONEY

CRIME AGAINST NATURE

See "MORALS OFFENSES"

DESECRATION OF CEMETERIES

DISTURBING GRAVES

DRUNKENNESS

EMBEZZLEMENT

ESCAPE

EXPLOSIVES, USE OF

FALSE PRETENSES AND CHEATS

FORGERY

FRAUD

GAMBLING

See "LOTTERIES AND  
GAMBLING"

GLUE SNIFFING

See "NARCOTICS AND  
OTHER DRUG VIOLATIONS"

HABITUAL FELON

HIT AND RUN DRIVING

See "MOTOR VEHICLE  
VIOLATIONS"

INCEST

See "MORALS OFFENSES"

INCITING TO RIOT

See "RIOT AND INCITING  
TO RIOT"

INDECENT EXPOSURE

See "MORALS OFFENSES"

KIDNAPING AND ABDUCTION

LARCENY AND RECEIVING

LIQUOR LAW VIOLATIONS

LOTTERIES AND GAMBLING

LYNCHING

See "OBSTRUCTING JUSTICE"

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MORALS OFFENSES

MOTOR VEHICLE LAW  
VIOLATIONS

MURDER

NARCOTIC AND OTHER  
DRUG VIOLATIONS

NUISANCE

See "COMMON NUISANCE"

OBSTRUCTING JUSTICE

ORDINANCE, VIOLATION  
OF TOWN

PERJURY

PROPERTY, VIOLATIONS  
AGAINST

PROSTITUTION

PUBLIC DRUNKENNESS

See "DRUNKENNESS"

RAPE

RECKLESS DRIVING

See "MOTOR VEHICLE  
LAW OFFENSES"

RESISTING ARREST

See "OBSTRUCTING  
JUSTICE"

RIDING OR GOING ABOUT  
ARMED TO TERROR OF  
PEOPLE

RIOT AND INCITING TO  
RIOT

ROBBERY

SECRET SOCIETIES AND  
ACTIVITIES

SEDUCTION

TRESPASS

See "PROPERTY,  
VIOLATIONS AGAINST"

VAGRANCY

WORTHLESS CHECK

See "FALSE PRETENSES  
AND CHEATS"

# TABLE OF STATUTES

This table lists the numbers of the General Statutes the punishments for which are included in this chart. Reference is given to the page in the chart on which the punishment for each statute is to be found.

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<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
<b>ABANDONMENT AND NONSUPPORT</b>			
I. Abandonment of wife by husband or of child by either parent (if child is not supported crime is committed regardless of abandonment)	Imprisonment up to 2 years or fine or both	14-322; 14-3	Misdemeanor
II. Abandonment of child for six months	Imprisonment up to 10 years or fine or both	14-322.1; Felony 14-2	
III. Failure of husband to provide adequate support	Order for support; imprisonment in county jail to be hired out with wages for support at discretion	14-325	Misdemeanor
IV. Abandonment of child under 16 by mother	Imprisonment up to 2 years or fine or both	14-326; 14-3	Misdemeanor
V. Failure to support needy parents	Imprisonment up to 2 years or fine*	14-326.1	Misdemeanor

**ABORTION AND RELATED  
OFFENSES**

I. Using drugs or instruments to destroy unborn child	Imprisonment 1-10 years and fine at discretion	14-44	Felony
II. Using drugs or instruments to produce miscarriage or injure pregnant woman	Imprisonment 1-5 years and fine at discretion	14-45	Felony

**ACCESSORY TO FELONY**  
(there can be no accessory to a misdemeanor or to larceny)

I. Before fact to:			
A. Murder	Imprisonment for life	14-6	Felony
B. Arson	Imprisonment for life	14-6	Felony
C. Rape	Imprisonment for life	14-6	Felony
D. Burglary	Imprisonment for life	14-6	Felony
E. Stealing horse, mule, etc.	Imprisonment 5-20 years	14-6	Felony
F. Any other felony	Imprisonment up to 10 years or fine	14-6	Felony



<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
II. After the fact Note: a receiver is not an accessory	Imprisonment 4 months- 10 years and fine at discretion	14-7	Felony
ADULTERY (and fornication)	Imprisonment up to 2 years or fine or both	14-184; 14-3	Misdemeanor
AFFRAY See "ASSAULT"			
ARSON AND BURNING See also "BURNING CROPS"			
I. Arson (against habita- tion)	Death, or, on jury's recommendation, imprison- ment for life	14-58	Felony
II. Burning public or corporate buildings in which records are kept	Imprisonment 5-10 years	14-59	Felony
III. Burning personal property	Imprisonment up to 10 years or fine or both	14-66; 14-2	Felony
IV. Setting fire to churches and other buildings	Imprisonment 2-10 years	14-62	Felony
V. Burning of building or structure in process of construction	Imprisonment up to 10 years or fine or both	14-62.1; 14-2	Felony
ASSAULT (and other offenses against the person)			
I. Misdemeanors			
A. Simple assault, assault and battery, or affray (where no deadly weapons used or serious damage done)	Imprisonment up to 30 days or fine up to \$50	14-33	Misdemeanor
B. Assault with deadly weapon	Imprisonment up to 2 years or fine or both	14-33; 14-3	Misdemeanor

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
C. Assault with intent to kill	Imprisonment up to 2 years or fine or both	14-33; 14-3	Misdemeanor
D. Assault with deadly weapon with intent to kill	Imprisonment up to 2 years or fine or both	14-33; 14-3	
E. Assault on female by man over 18	Imprisonment up to 2 years or fine or both	14-33; 14-3	Misdemeanor
F. Assault on child under 12 by person over 18	Imprisonment up to 2 years or fine or both	14-33; 14-3	Misdemeanor
II. Felonies			
A. Assault with deadly weapon with intent to kill resulting in injury	Imprisonment 4 months - 10 years or be worked under supervision of State Highway and Public Works Commission 4 months - 10 years (1)	14-32	Felony
B. Assault with intent to commit rape (sometimes referred to as attempted rape)	Imprisonment 1 - 15 years	14-22	Felony

- (1) The statute still refers to the old highway commission which handled prisoners before the State Prison System (now, Department of Correction) was created. Now, however, persons imprisoned would be under the supervision of the State Department of Correction.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
C. Malicious castration	Imprisonment 5-60 years	14-28	Felony
D. Malicious maiming (1)			
1. First offense	Imprisonment 4 months - 10 years and fine	14-30	Felony
2. Second offense	Imprisonment 5-60 years	14-30	Felony
E. Castration or maiming without malice afore- thought	Imprisonment 6 months - 10 years and fine	14-29	Felony
F. Malicious assault in secret manner	Imprisonment 1-20 years or fine up to \$2000 or both	14-31	Felony
G. Malicious throwing of corrosive acid or alkali	Imprisonment 4 months - 10 years	14-30.1	Felony

ATTEMPT

I. Attempt to commit crime against nature	Imprisonment up to 10 years or fine or both (an infamous misdemeanor escalated by 14-3)	c.1.; 14-3	Felony
II. Attempt to commit burglary	Imprisonment up to 10 years or fine or both (an infamous misdemeanor escalated by 14-3)	c.1.; 14-3	Felony
III. Attempt to commit arson or other unlawful burnings	Imprisonment up to 10 years or fine or both	14-67; 14-2	Felony
IV. Attempted robbery with firearms or other dangerous weapon	Imprisonment 5-30 years	14-87	Felony
V. Attempted train robbery	Imprisonment 2-20 years	14-89	Felony
VI. Attempted carnal know- ledge of married woman by personating husband	Imprisonment 5-15 years	14-25	Felony
VII. Assault with intent to rape	Imprisonment 1-15 years	14-22	Felony
VIII. Attempted safe robbery with explosives, drills, or other tools	Imprisonment 10 years - life [or other sentence in discretion (?)]	14-89.1	Felony

(1) Such common law maiming as is  
not covered by statute would be  
punishable under G.S. 14-2. See  
State v. Bass, 255 N.C. 72, 120 S.E.  
2d 580 (1961); State v. Wilson, 188  
N.C. 781, 125 S.E. 612 (1924).

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
IX. Attempted escape See "ESCAPE"			
X. Attempted false pretense using credit device, or telecommunication payments; see "FALSE PRETENSES"	Imprisonment up to 2 years or fine or both	c.l.; 14-3	Misdemeanor
XI. Attempt to commit a misdemeanor not specifically punished in some statute	Imprisonment up to 2 years or fine or both	c.l.; 14-3	Misdemeanor
XII. Attempt to commit a felony not specifically punished in some statute [if attempt is infamous, done in secrecy and malice, or with deceit and intent to defraud]	Imprisonment up to 10 years or fine or both (c.l. misdemeanor escalated to a felony by 14-3)	c.l.; 14-3	Felony
XIII. Attempt to commit a felony not specifically punished in some statute [if attempt not characterized by description in brackets, above] (1)	Imprisonment up to 2 years or fine or both	c.l.; 14-3	Misdemeanor

(1) In State v. Willis, 255 N.C. 473, 121 S.E. 2d 854 (1961), the Court held that attempted suicide was a misdemeanor at common law and was punishable under G.S. 14-3. The Court did not discuss whether the offense might possibly be escalated to a felony, but it apparently must have felt that the attempt was not infamous.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
BARRATRY	Imprisonment up to 2 years or fine or both	c.1; 14-3	Misdemeanor
BASTARDY (nonsupport by parents of illegitimate child under 18)	a) Imprisonment up to 6 months or b) Suspended sentence and continuance or c) Probation, conditioned on compliance and pay- ments for support, or d) Mother's birth and medical expenses or e) Order to sign recogni- zance for compliance with court order f) Any combination of above	49-2; 49-8	Misdemeanor
BIGAMY (and bigamous cohabitation)	Imprisonment 4 months - 10 years	14-183	Felony
BLACKMAILING See "FRAUD"			
BRIBERY			
I. Of officials	Imprisonment up to 5 years or fine up to \$5000 or both	14-217	Felony
II. Of legislators	Imprisonment up to 5 years and fine up to twice amount offered and forfeiture of seat and bar from office	14-219	Felony
III. Of jurors	Imprisonment 4 months - 10 years	14-220	Felony
IV. Offering a bribe	Imprisonment 1-5 years	14-218	Felony

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
BURGLARY AND OTHER BREAKING			
For breaking and entering jail, See "OBSTRUCTING JUSTICE"			
I. First degree burglary	Death, or, on recommend- ation of jury, imprison- ment for life	14-52	Felony
II. Second degree burglary	Imprisonment up to life	14-52	Felony
III. Nonburglarious breaking or entering (1)	Imprisonment 4 months - 10 years	14-54	Felony
IV. Preparation to commit burglary (2)	Imprisonment up to 10 years or fine or both	14-55; 14-2	Felony
V. Breaking into railroad cars	Imprisonment up to 5 years	14-56	Felony
VI. Burglary with explosives	Imprisonment up to life	14-57	Felony
VII. Nonburglarious breaking without intent to commit felony	Imprisonment up to 2 years or fine or both	14-54; 14-3	Misdemeanor
VIII. Breaking into coin- operated machines	Imprisonment up to 2 years or fine or both	14-56.1; 14-3	Misdemeanor
IX. Damaging or destroying coin-operated machines	Imprisonment up to 2 years or fine or both	14-56.2; 14-3	Misdemeanor
BURNING OR DESTROYING CROPS IN FIELD	Imprisonment 4 months - 5 years	14-141	Felony

(1) With intent to commit a felony.  
This offense is often called  
"store breaking" when commercial  
buildings are involved.

(2) Includes possession of burglar's  
tools.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
COMMON NUISANCE	Imprisonment up to 2 years or fine or both	c.l.; 14-3	Misdemeanor
COMPOUNDING A FELONY	Imprisonment up to 2 years or fine or both	c.l.; 14-3	Misdemeanor
CONCEALED WEAPON, CARRYING	Imprisonment up to 2 years or fine *	14-269	Misdemeanor
CONCEALING BIRTH OF A CHILD			
I. Concealing	Imprisonment up to 10 years or fine or both	14-46	Felony
II. Aiding or abetting	Imprisonment up to 2 years or fine or both (1)	14-46; 14-3	Misdemeanor (1)
CONSPIRACY			
I. To abduct children	Imprisonment up to 15 years or fine	14-42	Felony
II. To embezzle, with officers of railroad company	Imprisonment 3-10 years and fine \$1000-\$10,000	14-95	Felony
III. To injure by use of high explosives	Imprisonment up to 15 years	14-50	Felony
IV. To rebel against the State	Imprisonment up to 10 years and fine up to \$5000	14-9	Felony
V. To forge deeds, wills, etc.	Imprisonment 4 months - 10 years or fine	14-122	Felony
VI. To break or enter jails with intent to injure prisoners (lynching)	Imprisonment 2-15 years and fine at least \$500	14-221	Felony
VII. To commit felonies as to which there is no specific conspiracy statute	Imprisonment up to 10 years or fine or both (misdemeanor escalated to felony by 14-3)	c.l.; 14-3	Felony
VIII. To commit misdemeanors as to which there is no specific conspiracy statute	Imprisonment up to 2 years or fine or both	c.l.; 14-3	Misdemeanor

(1) Unless deemed infamous. In this event the misdemeanor would become a felony under the terms of 14-3

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
COUNTERFEITING OR UTTERING COUNTERFEIT MONEY	Imprisonment 4 months - 10 years	14-13	Felony
CRIME AGAINST NATURE See "MORALS OFFENSES"			



<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
DESECRATION OF CEMETERIES	Imprisonment up to 30 days or fine up to \$100 or both	14-150.1	Misdemeanor
DISTURBING GRAVES	Imprisonment up to 10 years or fine or both	14-150; 14-2	Felony
DRUNKENNESS			
I. Public drunkenness and disorderliness	Imprisonment up to 30 days or fine up to \$50	14-334	Misdemeanor
II. Public drunkenness			
A. First offense	Imprisonment up to 20 days or fine up to \$50	14-335	Misdemeanor
B. Subsequent offense within 12 months	Imprisonment up to 20 days or fine up to \$50 or, alternatively, commitment to custody of the Commissioner of Corrections for treatment up to 6 months	14-335	Misdemeanor

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
<b>EMBEZZLEMENT</b>			
I. By person in position of trust, etc.	Imprisonment up to 10 years or fine or both	14-90; (1)14-70; 14-2	Felony
II. Of State property	Imprisonment not less than 20 years or fine not less than \$10,000 or both	14-91	Felony
III. By officials and employees of certain public or private institutions	Imprisonment up to 10 years <u>and</u> fine*	14-92; 14-2	Felony
IV. By public officer of county or town	Imprisonment up to 10 years or fine*	14-92; 14-2	Felony
V. Other embezzlements or misapplications of funds	See 14-93 to 14-99		
<b>ESCAPE</b>			
	(sentences imposed commence on termination of sentence being served unless court orders otherwise)		
I. Escape or attempted escape (2)			
A. By prisoner serving for misdemeanor	Imprisonment 3 months - 1 year	148-45	Misdemeanor
B. By prisoner serving for felony	Imprisonment 6 months - 2 years	148-45	Felony
C. By prisoner who once has been convicted for escape	Imprisonment 6 months - 3 years	148-45	Felony
D. By prisoners in county or municipal jails			
1. Hired prisoners	Imprisonment up to 30 days or fine up to \$50	14-255	Misdemeanor
2. From facilities or custody of county or municipal officers	Imprisonment up to 2 years or fine or both	14-256; 14-3	Misdemeanor
(1) The crime is made a felony punishable as in cases of larceny. See G.S. 14-70 and 14-2 for the punishment of felony larceny.			
(2) Offenses A, B and C apply to escapes or attempts to escape from the State correction system.			

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
III. Aiding escape			
A. Aiding or abetting --State correction system (1)	Imprisonment up to 2 years or fine or both	148-45; 14-3	Misdemeanor
B. Aiding escaped prisoners			
1. When prisoner was felon	Imprisonment up to 5 years	14-259	Felony
2. When prisoner was misdemeanant	Imprisonment up to 2 years or fine or both	14-259; 14-3	Misdemeanor
C. Trading with prisoners (2)			
1. Trading	Imprisonment up to 2 years or fine or both	14-258; 14-3	Misdemeanor
2. Trading when article conveyed to prisoner leads to murder, assault, or escape	Imprisonment at least 4 years	14-258	Felony

#### EXPLOSIVES, USE OF

I. Wilful injury by use of explosives	Imprisonment 5 - 30 years	14-49	Felony
II. Wilful damage of occupied property by use of explosives	Imprisonment 10 years - life	14-49.1	Felony

(1) Only applies to prisoner in State correction system.

(2) "Trading" as used above means (1) conveying messages or weapons to or from a convict, (2) conveying weapon or instrument of escape to any prisoner, (3) trading with convict for his clothing or stolen goods, or (4) selling a convict anything forbidden.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
<b>FALSE PRETENSES AND CHEATS</b>			
I. Obtaining property by false pretenses	Imprisonment 4 months - 10 years or fine	14-100	Felony
II. Obtaining signatures by false pretenses	Imprisonment 1-5 years or fine \$100-\$1000 or both	14-101	Felony
III. Obtaining advances under promise to work	Imprisonment up to 30 days or fine up to \$50	14-104	Misdemeanor
IV. Obtaining property for worthless check	Imprisonment up to 2 years or fine or both	14-106; 14-3	Misdemeanor
V. Writing worthless check	Imprisonment up to 2 years or fine or both; in certain counties imprisonment up to 30 days or fine up to \$50 if check not over \$50 (see 14-107 for list of counties)	14-107; 14-3	Misdemeanor
VI. Obtaining or attempting to obtain goods through false credit device	Imprisonment up to 2 years or fine or both	14-113.1; 14-3	Misdemeanor
VII. Obtaining or attempting to obtain telecommunications services with intent to avoid charge	Imprisonment up to 2 years or fine or both	14-113.4; 14-3	Misdemeanor
<b>FORGERY</b>			
I. Bank notes, checks, securities	Imprisonment 4 months - 10 years or fine	14-119	Felony
II. Uttering forged papers or endorsements	Imprisonment 4 months - 10 years	14-120	Felony
III. Selling forged securities	Imprisonment 4 months - 10 years	14-121	Felony
IV. Deeds, wills, etc.	Imprisonment 4 months - 10 years or fine	14-122	Felony
V. Credit Cards (see "FRAUD - Fraudulent Credit Card Practices")			

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
FRAUD			
I. Simulation of court process in connection with collection of claim	Imprisonment up to 6 months or fine up to \$200 or both	14-118.1	Misdemeanor
II. Blackmail.	Imprisonment up to 2 years or fine or both	14-118; 14-3	Misdemeanor
III. Fraudulent credit card practices			
A. Credit card theft (1)	Imprisonment up to 3 years or fine up to \$3,000 or both	14-113.9	Felony
B. Forgery of credit card	Imprisonment up to 3 years or fine up to \$3,000 or both	14-113.11	Felony
C. Credit card fraud			
1. --if value obtained or falsely represented as having been furnished does not exceed \$500 in any 6-month period	Imprisonment up to 1 year or fine up to \$1,000 or both	14-113.13	Misdemeanor
2. --if value obtained or falsely represented as having been furnished exceeds \$500 in any 6-month period	Imprisonment up to 3 years or fine up to \$3,000 or both	14-113.13	Felony
D. Criminal possession of credit card forgery devices	Imprisonment up to 3 years or fine up to \$3,000 or both	14-113.14	Felony
E. Criminal receipt of goods and services fraudulently obtained			
1. --if value of goods obtained does not exceed \$500 in any 6-month period	Imprisonment up to 1 year or fine up to \$1,000 or both	14-113.16	Misdemeanor
2. --if value of goods obtained exceeds \$500 in any 6-month period	Imprisonment up to 3 years or fine up to \$3,000 or both	14-113.16	Felony
IV. False statement to procure benefit of insurance policy or certificate	Imprisonment up to 5 years or fine up to \$5,000 or both	14-214	Felony

(1) Taking, obtaining or withholding a credit card without consent is included in conduct defined in G.S. 14-75 as larceny.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
GAMBLING See "LOTTERIES AND GAMBLING"			
GLUE SNIFFING See "NARCOTIC AND OTHER DRUG VIOLATIONS"			
HABITUAL FELON (being an habitual felon)	Imprisonment 20 years - life	(1)	Felony
HIT AND RUN DRIVING See "MOTOR VEHICLE VIOLATIONS"			
INCEST See "MORALS OFFENSES"			
INCITING TO RIOT See "RIOT AND INCITING TO RIOT"			
INDECENT EXPOSURE See "MORALS OFFENSES"			
KIDNAPPING AND ABDUCTION			
I. Kidnapping	Imprisonment up to life	14-39	Felony
II. Abduction of child under 14	Imprisonment up to 15 years	14-41	Felony
III. Abduction of married woman	Imprisonment 1-10 years	14-43	Felony

(1) This new statute had not been codified at date of writing.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
<b>LARCENY AND RECEIVING</b>			
<b>I. Larceny</b>			
A. Of goods valued over \$200 or when larceny from person or by breaking and entering	Imprisonment up to 10 years or fine or both	14-70; 14-2	Felony
B. Of goods valued up to \$200 when not from person or by breaking and entering	Imprisonment up to 2 years or fine or both	14-72; 14-3	Misdemeanor
C. Temporary taking of vehicle	Imprisonment up to 2 years or fine or both	20-105	Misdemeanor
D. Temporary taking of horses, etc.	Imprisonment up to 2 years or fine or both	14-82; 14-3	Misdemeanor
E. Of dog	Imprisonment up to 2 years or fine*	14-84; 14-3	Misdemeanor
F. Shoplifting			
1. First offense	Imprisonment up to 6 months or fine up to \$100 or both	14-72.1	Misdemeanor
2. Subsequent offense	Imprisonment up to 2 years or fine or both	14-72.1; 14-3	Misdemeanor
G. Credit card theft (see "FRAUD - Fraudulent Credit Card Practices")			
H. Of secret technical processes	Imprisonment up to 4 years or fine up to \$5,000 or both	14-75.1	Felony
<b>II. Receiving</b>			
A. Of goods feloniously taken	Imprisonment up to 10 years or fine or both	14-71; 14-2	Felony
B. Of goods not feloniously taken	Imprisonment up to 2 years or fine or both	14-72; 14-3	Misdemeanor
C. Of stolen vehicles	Imprisonment 1-5 years or fine \$500-\$5,000 or both	20-106; 20-177	Felony
<b>LIQUOR LAW VIOLATIONS</b>			
I. Distilling and manufacturing liquor	Imprisonment up to 2 years or fine or both	18-28; 14-3	Misdemeanor
II. Later offenses of manufacturing	Imprisonment 4 months - 5 years	18-28	Felony
III. Possession of liquor for sale	Imprisonment up to 2 years or fine or both	18-32; 14-3 (1)	Misdemeanor

(1) The same punishment would apply if the offense were laid under 18-50 as punished under 14-3.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
IV. Possession of nontax paid liquor	Imprisonment up to 2 years or fine or both	18-2; 18-29; 14-3	Misdemeanor
V. Sale to or purchase by minors	Imprisonment up to 2 years or fine or both	18-90.1; 14-3	Misdemeanor
VI. Drinking or offering alcoholic beverages(1) on public street or highway	Imprisonment up to 2 years or fine or both	18-51(6) subdivision a., 3; 14-3	Misdemeanor
VII. Making public display of alcoholic beverages(1) at athletic contest	Imprisonment up to 2 years or fine or both	18-51(6) subdivision b; 14-3	Misdemeanor
VIII. Transportation of alcoholic beverages(1) in passenger area of vehicle with seal broken	Imprisonment up to 2 years or fine or both	18-51(1); 14-3	Misdemeanor
IX. Wilful transportation of alcoholic beverages(1) in excess of 1 gallon into or through North Carolina	Imprisonment up to 2 years or fine or both; seizure and disposition of vehicle and alcoholic beverages(1)	18-51(5), subdivision c; 18-49.3; 14-3	Misdemeanor
X. Consuming alcoholic beverages(1), other than sweet wines, in business establishment with no ABC permit	Imprisonment up to 2 years or fine or both	18-51(5), subdivision c; 14-3	Misdemeanor

#### LOTTERIES AND GAMBLING

I. Dealing in lotteries	Imprisonment up to 6 months or fine up to \$2,000 or both	14-290; 14-291	Misdemeanor
II. Selling "numbers" tickets	Imprisonment up to 2 years or fine or both	14-291.1; 14-3	Misdemeanor
III. Gambling	Imprisonment up to 2 years or fine or both	14-292; 14-3	Misdemeanor

(1) I.e., alcoholic beverages of any and all kinds which contain more than 14% of alcohol by volume - not beer, wine, or ale containing a lesser content. G.S. 18-60.



<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
IV. Gaming tables, illegal punch-boards, slot machines			
A. Keeping	Imprisonment 30 days - 2 years and fine not less than \$200	14-295	Misdemeanor
B. Playing	Fine not less than \$10 (1)	14-295	Misdemeanor
LYNCHING			
See "OBSTRUCTING JUSTICE"			
MANSLAUGHTER			
I. Voluntary	Imprisonment 4 months-20 years	14-18	Felony
II. Involuntary	Imprisonment up to 10 years or fine or both	14-18; 14-2	Felony
III. Second offense	Imprisonment 5-60 years	14-19	Felony
MORALS OFFENSES			
I. Crime against nature	Imprisonment up to 10 years or fine*	14-177; 14-2	Felony
II. Indecent exposure	Imprisonment up to 2 years or fine or both	14-190; 14-3	Misdemeanor
III. Obscene literature			
A. Possess for sale or sell illegal crime comics	Imprisonment up to 2 years or fine*	14-189; 14-3	Misdemeanor
B. Disseminating obscenity	Imprisonment up to 2 years or fine or both	14-189.1; 14-3	Misdemeanor

(1) This penalty is clearly indicated by the statute. Imprisonment up to 2 years also may be permissible by reference to G.S. 14-3 if the punishment provided by G.S. 14-295 is not regarded as specific.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
MOTOR VEHICLE LAW VIOLATIONS			
I. Driving with revoked or suspended license			
A. Suspended or revoked for specified time	Imprisonment up to 2 years or fine not less than \$200 or both; further suspension or revocation: 1st offense--1 year, 2nd offense--2 years, 3rd or subsequent offense--permanent revocation (1)	20-28(a)	Misdemeanor
B. Permanent revocation	Imprisonment 1-2 years	20-28(b)	Misdemeanor
II. Driving without license	Imprisonment up to 2 years or fine or both	20-7; 14-3	Misdemeanor
III. Hit and run driving (2)			
A. Involving personal injury or death	Imprisonment 1-5 years or fine not less than \$500 or both	20-166 20-182	Felony
B. Not involving personal injury or death	Imprisonment up to 2 years or fine or both	20-166; 14-3	Misdemeanor
IV. Drunk driving (3)			
A. First offense	Imprisonment 30 days-2 years or fine not less than \$100 or both	20-138 or 20-139; 20-179	Misdemeanor
B. Second offense	Imprisonment 6 months-2 years or fine not less than \$200 or both		Misdemeanor
C. Subsequent offense	Imprisonment up to 2 years or fine not less than \$500 or both		Misdemeanor
V. Reckless driving (4)	Imprisonment up to 6 months or fine up to \$500 or both	20-140 or 20-140.1	Misdemeanor

- (1) One may not apply for reinstatement of a permanently revoked license until at least three years have passed.
- (2) See 20-17(4) and 20-19(f) as to revocation of license for this offense.
- (3) See 20-17(2) and 20-19(d), (c), and (f) as to revocation of license for this offense.
- (4) See 20-16, 20-16.1, 20-17, and 20-19 as to suspension or revocation of license for this offense.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
VI. Tampering with vehicle	Imprisonment up to 2 years or fine or both	20-107; 14-3	Misdemeanor
MURDER			
I. First degree	Death, or, on recommendation of jury, imprisonment for life	14-17	Felony
II. Second degree	Imprisonment 2-30 years	14-17	Felony
III. Killing adversary in duel	Imprisonment for life	14-20	Felony

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
NARCOTIC AND OTHER DRUG VIOLATIONS			
I. Violation of Uniform Narcotic Drug Act (90-86 to 90-113)			
A. First offense	Imprisonment up to 5 years or fine up to \$1,000 or both	90-111(a)	Felony
B. Second offense	Imprisonment 5-10 years and fine up to \$2,000--no sus- pension or parole with certain exceptions	90-111(a); 90-111(b)	Felony
C. Subsequent offense	Imprisonment 15 years-life and fine up to \$3,000--no suspension or parole with certain exceptions	90-111(a); 90-111(b)	Felony
D. Supplying to minor by adult	Imprisonment 10 years - life and fine up to \$3,000(1)	90-111(c)	Felony
II. Violation with regard to barbiturate or stimulant drugs			
A. First offense	Imprisonment up to 2 years or fine up to \$1,000 or both	90-113.8(b)	Misdemeanor
B. Subsequent offense	Imprisonment up to 10 years or fine or both	90-113.8(b); 14-2	Felony
C. Possession for purpose of sale-- first offense	Imprisonment 6 months- 5 years	90-113.8	Felony
D. Possession for purpose of sale-- subsequent offense	Imprisonment 1-10 years	90-113.8	Felony
III. Violation with regard to glue			
A. Smelling glue to cause intoxication	Imprisonment up to 2 years or fine or both	(2) 14-3	Misdemeanor
B. Use or possession of glue for purpose of smelling to cause intoxication	Imprisonment up to 2 years or fine or both	(2) 14-3	Misdemeanor
C. Sale of glue with reasonable cause to suspect use to cause intoxication	Imprisonment up to 2 years or fine or both	(2) 14-3	Misdemeanor

#### NUISANCE

See "COMMON NUISANCE"

(1) There may be no suspension of sentence or probation for this offense.

(2) This new statute had not been codified at date of writing.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
OBSTRUCTING JUSTICE			
I. Breaking or entering jails with intent to injure prisoners (lynching)	Imprisonment 2-15 years and fine not less than \$500	14-221	Felony
II. Resisting officers	Imprisonment up to 2 years or fine or both	14-223; 14-3	Misdemeanor
ORDINANCE, VIOLATION OF TOWN	Imprisonment up to 30 days or fine up to \$50	14-4	Misdemeanor

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
<b>PERJURY</b>			
I. Perjury	Imprisonment 4 months - 10 years and fine up to \$1,000	14-209	Felony
II. Subornation of perjury	Imprisonment 4 months - 10 years and fine up to \$1,000	14-210; 14-209	Felony
<b>PROPERTY, VIOLATIONS AGAINST</b>			
I. Forcible entry and detainer (1)	Imprisonment up to 2 years or fine or both	14-126; 14-3	Misdemeanor
II. Trespass after being forbidden (2)	Imprisonment up to 2 years or fine or both	14-134; 14-3	Misdemeanor
III. Blocking ingress or egress of public buildings (3)	Imprisonment up to 30 days or fine up to \$50 or both	14-132.1	Misdemeanor
IV. Wilful or malicious injury to property			
A. Wilful and wanton injury to real property	Imprisonment up to 2 years or fine or both	14-127; 14-3	Misdemeanor
B. Malicious injury to personal property	Imprisonment up to 2 years or fine or both	14-160; 14-3	Misdemeanor
C. Wilful damage to various kinds of real property	Imprisonment up to 2 years or fine or both	14-144; 14-3	Misdemeanor

- (1) The offense under 14-126 has somewhat different elements than the common law offense of forcible trespass--also proscribed under 14-3. See Sharpe, Forcible Trespass to Real Property, 39 N.C.L. Rev. 121 (1961). See also Sharpe, Forcible Trespass to Personal Property, 40 N.C.L. Rev. 252 (1962).
- (2) This offense includes refusing to leave property after being asked to do so.
- (3) Compare the related offense of blocking the highway in 20-174.1.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
PROSTITUTION			
I. First degree (2 or more violations in 1 year)	Imprisonment up to 2 years or reformatory 1-3 years or fine*	14-208; 14-3	Misdemeanor
II. Second degree	Imprisonment up to 2 years or parole or fine* (1)	14-208; 14-3	Misdemeanor

PUBLIC DRUNKENNESS  
See "DRUNKENNESS"

- (1) Sentence may not be suspended as to person with venereal disease except on conditions designed to cure the disease and prevent its spread. Women defendants must be placed on probation or parole only with women probation officers.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
RAPE See also "ASSAULT" (with intent to rape)			
I. Rape	Death, or, on recommendation of jury, imprisonment for life	14-21	Felony
II. Carnal knowledge of virginal girls from 12-16 years	Imprisonment up to 10 years or fine*	14-26; 14-2	Felony
III. Carnal knowledge by male under 18	Imprisonment up to 2 years or fine or both	14-27; 14-3	Misdemeanor
IV. Carnal knowledge by female of boy under 16	Imprisonment up to 2 years or fine*	14-26; 14-3	Misdemeanor
RECKLESS DRIVING See "MOTOR VEHICLE LAW OFFENSES"			
RESISTING ARREST See "OBSTRUCTING JUSTICE"			
RIDING OR GOING ABOUT ARMED TO TERROR OF PEOPLE	Imprisonment up to 2 years or fine or both	c.1.; 14-3	Misdemeanor
RIOT AND INCITING TO RIOT			
I. Riot	Imprisonment up to 2 years or fine or both	c.1.; 14-3	Misdemeanor
II. Inciting to riot.	Imprisonment up to 2 years or fine or both	c.1.; 14-3	Misdemeanor
ROBBERY			
I. Robbery (common law and highway robbery)	Imprisonment up to 10 years or fine or both	c.1.; 14-2	Felony
II. Robbery with firearms or dangerous weapons	Imprisonment 5-30 years	14-87	Felony
III. Train robbery	Imprisonment 10-20 years	14-88	Felony
IV. Safe cracking	Imprisonment 10 years-life	14-89.1	Felony



CRIME

PUNISHMENT

SOURCE

GRADE

SECRET SOCIETIES AND  
ACTIVITIES

- |  |  |                      |             |
|--|--|----------------------|-------------|
| I. Forming or joing certain<br>secret societies  | Imprisonment up to 2 years<br>or fine* | 14-12.3;<br>14-3     | Misdemeanor |
| II. Wearing of masks, hoods,<br>etc., on public ways   | Imprisonment up to 2 years<br>or fine* | 14-12.7;<br>14-3     | Misdemeanor |
| III. Wearing of masks, hoods,<br>etc., on public property  | Imprisonment up to 2 years<br>or fine* | 14-12.8;<br>14-3     | Misdemeanor |
| IV. Entry, etc., upon premises<br>of another while wearing<br>mask   | Imprisonment up to 2 years<br>or fine* | 14-12.9;<br>14-3     | Misdemeanor |
| V. Holding meetings or demon-<br>strations while wearing<br>masks  | Imprisonment up to 2 years<br>or fine* | 14-12.10;<br>14-3    | Misdemeanor |
| VI. Placing burning cross<br>on property of another  | Imprisonment up to 2 years<br>or fine* | 14-12.12(a);<br>14-3 | Misdemeanor |
| VII. Placing burning cross on<br>property of another or high-<br>way with intention of in-<br>timidation, etc. | Imprisonment 1-5 years                 | 14-12.12(b)          | Felony      |
| VIII. Placing exhibit while wear-<br>ing mask with intention of<br>intimidation, etc.                          | Imprisonment 1-5 years                 | 14-12.14             | Felony      |

SEDUCTION

Imprisonment up to 5 years  
or fine

14-180

Felony

TRESPASS

See "PROPERTY,  
VIOLATIONS AGAINST"

VAGRANCY

- |                        |  |                 |             |
|------------------------|--|-----------------|-------------|
| I. First offense       | Imprisonment up to 30 days<br>or fine up to \$50 | 14-336          | Misdemeanor |
| II. Subsequent offense | Imprisonment up to 2 years<br>or fine or both    | 14-336;<br>14-3 | Misdemeanor |

WORTHLESS CHECK

See "FALSE PRETENSES  
AND CHEATS"