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Punishment Chart for Crimes

of General Interest in
the Superior Courts
of North Carolina

Third Edition, 1970

INSTITUTE OF GOVERNMENT
The University of North Carolina at Chapel Hill

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CONTENTS

Preface.	v
Table of Statutes.	xi
Index to Crimes and Punishments.	xvii
Punishment Chart	1

PREFACE

This chart is the third compilation based upon an earlier chart of unidentified source entitled "Summary of Crimes Most Frequently Committed by Punishment, Grade, and Statute." Because of the inclusion of several statutes passed by the 1969 General Assembly and the addition of a number of crimes excluded from the preceding edition, this third revision is considerably expanded in size. However, the chart covers only those crimes listed, and does not imply that other offenses, common law or statutory, do not exist.

The chart is current through the 1969 General Assembly. Although it is not inclusive, the crimes listed should include those comprising the major portion of the criminal docket of any Superior Court. Some motor vehicle offenses are included, but a more complete listing can be found in the Institute of Government publication entitled "Punishments for Motor Vehicle Offenses." Similarly, some offenses for which the punishment does not exceed \$50 or 30 days are included, but a more exhaustive listing can be found in the Institute of Government chart entitled "Misdemeanors with Punishments Not Exceeding \$50 Fine or 30 Days' Imprisonment." Both these charts currently are available in 1970 editions.

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.¹ Problems raised by the application of Blackmon and later cases to the statutory provisions follow.

(1) Some felony statutes provide punishment of imprisonment and fine; others call for imprisonment or fine. The lack of a specific term of imprisonment necessitates reference to G.S. 14-2, which carries ten years of imprisonment or fine or both--giving the court three alternatives.² Whether reference to G.S. 14-2 for the limit on the length of imprisonment also requires that this 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 but to follow the combination of punishments specified by the substantive statute. Hence, with regard to a statute imposing imprisonment and fine the court would not, under this interpretation, have the alternatives of either fine solely or imprisonment solely. 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 (*).

¹The 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 (1969).

²The 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. Many more statutes provide for "fine or imprisonment or both in the direction of the court" (emphasis added) than follow the fine-and-imprisonment or fine-or-imprisonment pattern.

(2) The Blackmon holding has been extended to misdemeanors,³ necessitating reference to G.S. 14-3 when the substantive statute specifies no length as to 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, in the discretion of the court."⁴ 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 deceit and 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.

³State v. Adams, 266 N.C. 406, 146 S.E.2d 505 (1966) (dictum).

⁴This language was added by the 1967 General Assembly, which deleted the former phrase "as misdemeanors at common law." Since the new language simply embodies what the courts had declared, there was no change in punishment of misdemeanors as a result of the 1967 act.

(3) Another related application of Blackmon occurs when a statute prescribes a minimum but not a maximum punishment. In this situation the solution incorporated in the chart is to list the minimum punishment as set out in the statute and the maximum as taken from G.S. 14-2 or G.S. 14-3.⁵ Again, the asterisk is used to identify the existence of the issue.

A final question, which apparently has been resolved by the North Carolina Supreme Court, concerns the maximum permissible punishment for a misdemeanor whose statutory wording states it to be "punishable by fine or imprisonment, or both, in the discretion of the court," but which also is contained in an article of the General Statutes which limits punishment for violation of any section of the article unless "another penalty" is provided. The Supreme Court in State v. Spencer, 276 N.C. 535 (1970), in considering the maximum punishment permissible for violation of G.S. 174.1,⁶ did not apply G.S. 20-176 (the general penalty limitation for Chapter 20, Article 3,) and stated "that an offense punishable by fine or imprisonment, or both, in the discretion of the court is a general misdemeanor for which an offender may be imprisoned for two years."⁷ This chart follows the Spencer holding for those Chapter 20 offenses in which the issue arises.

The crimes in this chart are set out in alphabetical order of major subject-matter headings. Cross reference has been added in some instances

⁵State v. Morris, 275 N.C. 50 (1968), indicates that for misdemeanors this solution is the proper one.

⁶Subsequent to the commencement of the Spencer case the 1969 General Assembly rewrote G.S. 174.1.

⁷276 N.C. 535 at 549. Emphasis is original.

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 numbers of the General Statutes; "c.l." indicates common law.

An index to the crimes and punishments by subject-matter heading appears on pages xvii-xx. A Table of General Statutes that shows where a given statute may be found within the chart appears on pages xi-xvi.

TABLE OF STATUTES

This table lists the numbers of the General Statutes where the punishments included in this chart are to be found. The page number given refers to the location of the punishment on this chart.

<u>G.S. Number</u>	<u>Page</u>	<u>G.S. Number</u>	<u>Page</u>
5-1	15	14-17	38
5-4	15	14-18	34
14-2	<u>passim</u>	14-19	34
14-3	<u>passim</u>	14-20	38
14-4	41, 47	14-21	44
14-6	3	14-22	7, 8
14-7	4	14-25	8
14-7.6	26	14-26	44, 45
14-9	15	14-27	44
14-12.3	15, 48	14-28	7
14-12.7	49	14-29	8
14-12.8	49	14-30	8
14-12.9	49	14-30.1	8
14-12.10	49	14-31	7
14-12.12(a)	49	14-32(a)	7
14-12.12(b)	49	14-32(b)	6
14-12.14	49	14-32(c)	7
14-12.15	15, 48, 49	14-33(a)	5
14-13	16	14-33(b)(1)	6

<u>G.S. Number</u>	<u>Page</u>	<u>G.S. Number</u>	<u>Page</u>
14-33(b) (2)	5, 6	14-50(b)	14
14-33(b) (3)	6	14-50(c)	14
14-33(b) (4)	5	14-51	12
14-33(b) (5)	5	14-52	12
14-33(b) (6)	6	14-54(a)	12
14-33(c)	6	14-54(b)	12
14-33(c) (1)	5	14-55	12
14-33(c) (2)	5	14-56	12
14-33(c) (3)	5	14-56.1	12
14-34	6	14-56.2	13
14-34.1	16	14-58	4
14-34.2	7	14-59	4
14-39	3, 27	14-60	4
14-41	28	14-62	4
14-42	14	14-62.1	5
14-43	28	14-65	4
14-44	3	14-66	4
14-45	3	14-67	8
14-46	14	14-69.2	21
14-49(a)	20	14-70	18, 28, 30
14-49(b)	21	14-71	29, 30
14-49(c)	20, 21	14-72(a)	28, 29
14-49.1	21	14-72(b) (1)	28, 30
14-50(a)	14	14-72(b) (2)	28, 30

<u>G.S. Number</u>	<u>Page</u>	<u>G.S. Number</u>	<u>Page</u>
14-72(b)(3)	28, 30	14-113.14	24
14-72(c)	30	14-113.16	25
14-72.1	29	14-113.17(a)	24, 25
14-74	18	14-113.17(b)	24, 25
14-82	29	14-114	25
14-84	29	14-115	25
14-87	8, 48	14-117	25
14-88	48	14-118	23
14-89	9	14-118.1	23
14-89.1	8, 48	14-118.2(a)	25
14-90	18	14-118.2(b)	25
14-91	18	14-118.3	25
14-92	18	14-119	22
14-100	21	14-120	22
14-101	21	14-121	22
14-104	21	14-122	15, 23
14-106	21	14-126	42
14-107	22	14-127	43
14-113.1	22	14-132	46
14-113.4	22	14-132.1	46
14-113.6	22	14-134	43
14-113.9	24	14-134.1	18
14-113.11	24	14-141	5
14-113.13	24	14-144	43

<u>G.S. Number</u>	<u>Page</u>	<u>G.S. Number</u>	<u>Page</u>
14-150	17	14-258	20
14-150.1	16	14-259	20
14-160(a)	43	14-269	14
14-160(b)	44	14-288.2(b)	45
14-177	35	14-288.2(c)	45
14-180	49	14-288.2(d)	46
14-183	11	14-288.2(e)	46
14-184	13	14-288.4(b)	17, 46
14-189	35	14-288.5(b)	46
14-189.1	35	14-288.6(a)	46
14-190	35	14-288.6(b)	46
14-208	44	14-288.7(c)	47
14-209	42	14-288.8(d)	47
14-210	42	14-288.9(c)	7, 47
14-214	42	14-288.12(e)	47
14-217	11	14-288.13(d)	47
14-218	11	14-288.14(e)	47
14-219	11	14-288.15(e)	47
14-220	11	14-288.19(b)	47
14-221	15, 41	14-289.9(c)	6
14-223	41	14-290	33
14-226.1	48	14-291	33
14-255	19	14-291.1	33
14-256	19	14-292	33

<u>G.S. Number</u>	<u>Page</u>	<u>G.S. Number</u>	<u>Page</u>
14-295	33	18-51(6), Subdivision a, 3	31
14-301	33		
14-303	33	18-51(b), Subdivision b	32
14-316.1	34		
14-320.1	28	18-51(9)	31, 32
14-322	2	18-90.1	31
14-322.1	2	20-7(a)	36
14-325	2	20-7(o)	36
14-326	2	20-28(a)	36
14-326.1	2	20-28(b)	36
14-334	17	20-35	36
14-335	17	20-105	29
14-336	49	20-106	30
14-356	14	20-107	37
14-399	18	20-109	38
18-2	31, 32	20-114.1(a)	38
18-28	31	20-138	36, 37
18-29	31, 32	20-139	36, 37
18-32	31	20-140	37
18-48	31	20-140.1	37
18-49.3	32	20-141.3(a)	37
18-50	32	20-141.3(b)	37
18-51(1)	32	20-166(a)	36
18-51(5)	32	20-166(b)	36

<u>G.S. Number</u>	<u>Page</u>
20-166(c)	36
20-174.1(a)	46
20-174.1(b)	46
20-176(b)	38
20-177	30
20-179(a)	36, 37
20-182	36
49-2	10
49-8	10
90-111(a)	38, 39
90-111(b)	39
90-111(c)	39
90-113.2(5)	39
90-113.8(a)	39
90-113.8(b)	39
90-113.8(d)	40
90-113.9	40
90-113.10	40
90-113.11	40
90-113.13	41, 42
136-18(5)	41
136-91	40
148-45	19

INDEX TO CRIMES AND PUNISHMENTS

- ABANDONMENT AND NONSUPPORT, 2
- ABDUCTION, See Kidnapping and Abduction.
- ABORTION AND RELATED OFFENSES, 3
- ACCESSORY TO FELONY, 3
- AFFRAY, See Assault.
- ARSON AND BURNING, 4
See also Attempt--Attempt to commit arson or other unlawful burnings.
- ASSAULT, 5
- ATTEMPT, 8
- BAD CHECK, See False Pretenses and Cheats.
- BARRATRY, 10
- BASTARDY (nonsupport by parents of illegitimate child under 18), 10
- BIGAMY (and bigamous cohabitation), 11
- BLACKMAILING, See Fraud.
- BOMBS, See Explosive or Incendiary Device.
- BRIBERY, 11
- BURGLARY AND OTHER BREAKING, 12
See also Obstructing Justice.
- BURNING CROPS. See Arson and Burning another's crops.
- CASTRATION. See Assault--Felonies--Malicious castration.
- CHECK, WORTHLESS. See False Pretenses and Cheats.
- CITY ORDINANCE. See Ordinance Violation--Municipal or county.
- COHABITATION, 13
- COMMON NUISANCE, 14
- COMPOUNDING A FELONY, 14
- CONCEALED WEAPON, CARRYING, 14
- CONCEALING BIRTH OF A CHILD, 14
- CONSPIRACY, 14
- CONTEMPT OF COURT, 15
- CONTRIBUTING TO DELINQUENCY. See Minors--Contributing to delinquency.
- COUNTERFEITING OR UTTERING COUNTERFEIT MONEY, 16
- COUNTY ORDINANCE. See Ordinance Violation--Municipal or county.
- CRIME AGAINST NATURE. See Morals Offenses.
- DELINQUENCY. See Minors--Contributing to delinquency.
- DESECRATION OF CEMETERIES, 16
- DISCHARGING FIREARM INTO OCCUPIED PROPERTY, 16
- DISORDERLY CONDUCT, 17

DISTURBING GRAVES, 17

DRIVER LICENSE OFFENSES. See
Motor Vehicle Law Violations.

DRUNKENNESS, 17

See also Motor Vehicle Law
Violations--Drunk driving.

DUMPING OR LITTERING, 18

EMBEZZLEMENT, 18

ESCAPE, 19

EXPLOSIVE OR INCENDIARY DEVICE, 20

See also Conspiracy.
See also Larceny and Receiving.
See also Riots and Civil Dis-
orders--Manufacture, sale or
possession of weapon of mass
death.

FALSE IMPRISONMENT. See Kidnapping
and Abduction.

FALSE PRETENSES AND CHEATS, 21
See also Fraud.

FELON, BEING AN HABITUAL. See
Habitual Felon.

FORGERY, 22

See also Fraud.

FORNICATION AND ADULTERY. See
Cohabitation.

FRAUD, 23

See also Arson and Burning--
Burning of dwelling house
by occupant or owner
willfully or for fraudulent
purpose.
See also Perjury.

GAMBLING. See Lotteries and
Gambling.

GLUE SNIFFING. See Narcotic and
Other Drug Violations.

HABITUAL FELON (Being an habitual
felon), 26

HIGHWAYS

See Dumping or Littering.
See Liquor Law Violations--
Drinking or offering on public
street or highway.
See Motor Vehicle Law Violations.
See Obstructing Highways.
See Ordinance Violation--State
Highway Commission.

HIT AND RUN DRIVING. See Motor
Vehicle Law Violations.

INCENDIARY DEVICE. See Explosive
or Incendiary Device.

INCITING TO RIOT. See Riots and
Civil Disorders.

INDECENT EXPOSURE. See Morals
Offenses.

INJUNCTION VIOLATION. See Contempt
of Court.
See Riots and Civil Disorders--
Violation of emergency proclama-
tions--Superior Court injunction.

KIDNAPPING AND ABDUCTION, 27

LARCENY AND RECEIVING, 28

LITTERING, See Dumping or Littering.

LIQUOR LAW VIOLATIONS, 31

LOTTERIES AND GAMBLING, 33

LYNCHING, See Obstructing Justice.

MAIM. See Assault.

MANSLAUGHTER, 34

MAYHEM. See Assault.

MINORS, 34

MORAL OFFENSES, 35

MORTGAGED PROPERTY, DISPOSAL. See
Fraud.

MOTOR VEHICLE LAW VIOLATIONS, 35
See also Dumping or Littering.
See also Ordinance Violation--
State Highway Commission.

MUNICIPAL ORDINANCE. See Ordinance
Violation--Municipal or county.

MURDER, 38

NARCOTIC AND OTHER DRUG VIOLA-
TIONS, 38. See also Penal
and Charitable Institutions,
Illegally Supplying Inmates.

NUISANCE. See Common Nuisance.

OBSTRUCTING HIGHWAY, 40
See also Dumping or Littering.
See also Riots and Civil
Disorders--Sitting or lying
upon streets or highways.

OBSTRUCTING JUSTICE, 41
See also Conspiracy--To
break or enter jails.
See also Contempt of Court.
See also Motor Vehicles--
Failure to obey traffic
officers.
See also Riots and Civil
Disorders--Failure to
disperse.

ORDINANCE VIOLATION, 41

PENAL AND CHARITABLE INSTITUTIONS,
ILLEGALLY SUPPLYING INMATES, 41

PERJURY, 42

PROPERTY, VIOLATIONS AGAINST, 42
See also Arson and Burning.
See also Dumping or Littering.
See also Riots and Civil Disorders--
Disorderly conduct in and injuries
to public buildings.
For other offenses involving
trespass or damage to property,
see specific offenses.

PROSTITUTION, 44

PUBLIC DRUNKENNESS, See Drunkenness.

RAPE, 44
See also Assault--Felonies--Assault
with intent to commit rape.

RECKLESS DRIVING. See Motor Vehicle
Law Violations.

RESISTING ARREST. See Obstructing
Justice.

RIDING OR GOING ABOUT ARMED TO TERROR
OF PEOPLE, 45

RIOTS AND CIVIL DISORDERS, 45

ROBBERY, 48
See also Attempt--Attempted robbery
with firearms.
See also Attempt--Attempted train
robbery.

SAFECRACKING, 48
See also Attempt--Attempted
safecracking.

SECRET SOCIETIES AND ACTIVITIES, 48

SEDUCTION, 49

SLOT MACHINES. See Lotteries and
Gambling.

SOLICITATION TO COMMIT FELONY, 50

STATE HIGHWAY COMMISSION. See
Ordinance Violation--State
Highway Commission.

SUBORNATION OF PERJURY. See
Perjury--Subornation of
perjury.

TOWN ORDINANCE. See Ordinance
Violation--Municipal or county.

TRESPASS. See Property, Violations
Against.

VAGRANCY, 51

VEHICLE OFFENSES. See Motor Vehicle
Law Violations.

WORTHLESS CHECK. See False Pretenses
and Cheats.

PUNISHMENT CHART

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
ABANDONMENT AND NONSUPPORT			
I. Abandonment of wife by husband or of child by either parent	Imprisonment up to 6 months or fine up to \$500 or both	14-322	Misdemeanor
II. Nonsupport of child by either parent	Imprisonment up to 6 months or fine up to \$500 or both	14-322	Misdemeanor
III. Abandonment of child for 6 months	Imprisonment up to 10 years or fine or both	14-322.1; 14-2	Felony
IV. Failure of husband to provide adequate support			
A. First offense	Order for support; Imprisonment up to 6 months ¹ or fine up to \$500 or both	14-325	Misdemeanor
B. Subsequent offense	Order for support; Imprisonment up to 2 years ¹ or fine or both	14-325	Misdemeanor
V. Abandonment of child under 16 by mother	Imprisonment up to 2 years or fine or both	14-326; 14-3	Misdemeanor
VI. Failure to support needy parents			
A. First offense	Imprisonment up to 6 months or fine up to \$500 or both	326.1	Misdemeanor
B. Subsequent offense	Imprisonment up to 2 years or fine or both	326.1	Misdemeanor

ABDUCTION

See "KIDNAPPING AND ABDUCTION"

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 FELONY²

I. Before fact to:

A. Murder	Imprisonment for life	14-6	Felony
B. Arson ³	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. Kidnapping	Imprisonment up to life ⁴	14-39	Felony
G. Any other felony (No specific statute)	Imprisonment up to 10 years or fine	14-6	Felony

¹In county jail to be hired out with wages for family's support at court's discretion.

²There can be no accessory to a misdemeanor; all participants, either present or absent, are deemed principals.

³Many of the specific statutory burning offenses provide for "causing or procuring the burning of" and thus apparently include the accessory before the fact. See G.S. 14-60, 14-62, 14-65 and 14-66.

⁴G.S. 14-39 provides for "causing to be kidnapped" as well as "kidnapping".

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
II. After the fact ¹	Imprisonment 4 months - 10 years and fine at discretion	14-7	Felony
AFFRAY			
See "ASSAULT"			
ARSON AND BURNING			
See also "ATTEMPT - Attempt to commit arson or other unlawful burnings"			
I. Arson (against habitation)	Death or, on jury's recommendation, imprisonment 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 school buildings	Imprisonment up to 10 years or fine or both	14-60; 14-2	Felony
IV. Burning personal property	Imprisonment up to 10 years or fine or both	14-66; 14-2	Felony
V. Setting fire to churches and other buildings	Imprisonment 2-40 years	14-62	Felony
VI. Burning of dwelling house by occupant or owner willfully or for fraudulent purpose	Imprisonment up to 10 years or fine or both	14-65; 14-2	Felony

VII. Burning of building or structure in process of construction	Imprisonment up to 10 years or fine or both	14-62.1; 14-2	Felony
VIII. Burning another's crops	Imprisonment 4 months - 5 years	14-141	Felony
IX. Other burning offenses			

See 14-61, 14-63,
14-64, 14-136 to
14-140, and 14-144

ASSAULT

I. Misdemeanors²

A. Simple assault, assault and battery or affray	Imprisonment up to 30 days or fine up to \$50	14-33(a)	Misdemeanor
B. Assault and battery inflicting serious damage to another person	Imprisonment up to 6 months or fine up to \$500 or both	14-33(b)(2); 14-33(c)(1)	Misdemeanor
C. Assault or assault and battery on a female by a male	Imprisonment up to 6 months or fine up to \$500 or both	14-33(b)(4); 14-33(c)(2)	Misdemeanor
D. Assault or assault and battery on a child under age of 12 years	Imprisonment up to 6 months or fine up to \$500 or both	14-33(b)(5); 14-33(c)(3)	Misdemeanor

¹Note that a receiver of stolen goods is not necessarily an accessory.

²With respect to the aggravated assaults listed in IB through IH of this section, note that it would be possible to charge a parallel aggravated affray in certain instances. G.S. 14-33(b) states: "A person commits an aggravated affray if in the course of it he commits an aggravated assault or assault and battery."

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
E. Assault or assault and battery with deadly weapon	Imprisonment up to 2 years or fine or both	14-33(b)(1); 14-33(c)	Misdemeanor
F. Assault or assault and battery using means or force likely to inflict serious injury	Imprisonment up to 2 years or fine or both	14-33(b)(1); 14-33(c)	Misdemeanor
G. Assault or assault and battery with intent to kill	Imprisonment up to 2 years or fine or both	14-33(b)(3); 14-33(c)	Misdemeanor
H. Assault and battery inflicting serious injury	Imprisonment up to 2 years or fine or both	14-33(b)(2); 14-33(c)	Misdemeanor
I. Assault by pointing a gun	Imprisonment up to 6 months or fine up to \$500 or both	14-34	Misdemeanor
J. Assault or assault and battery on public officer in discharge of duty	Imprisonment up to 2 years or fine or both	14-33(b)(6); 14-33(c)	Misdemeanor
K. Assault on emergency personnel	Imprisonment up to 2 years or fine or both	14-289.9(c); 14-3(a)	Misdemeanor
II. Felonies			
A. Assault with firearm or other deadly weapon <i>per se</i> , inflicting serious injury	Imprisonment up to 5 years or fine or both	14-32(b)	Felony

B. Assault with firearm with intent to kill	Imprisonment up to 5 years or fine or both	14-32(c)	Felony
C. Assault with a firearm upon law enforcement officer or fireman	Imprisonment up to 5 years or fine	14-34.2	Felony
D. Assault on emergency personnel with a dangerous weapon or substance	Imprisonment up to 5 years or fine up to \$10,000 or both	14-288.9(c)	Felony
E. Assault with deadly weapon, with intent to kill, inflicting serious injury ¹	Imprisonment up to 10 years or fine or both	14-32(a); 14-2	Felony
F. Secret assault	Imprisonment 1-20 years or fine or both	14-31	Felony
G. Assault with intent to commit rape (sometimes referred to as attempted rape)	Imprisonment 1-15 years	14-22	Felony
H. Malicious castration	Imprisonment 5-60 years	14-28	Felony

¹G.S. 14-32(a) in the form recorded as approved by the 1969 General Assembly reads: "Any person who assaults another person with a firearm or other deadly weapon of any kind with intent to kill and inflict serious injury is guilty of a felony punishable under G.S. 14-2." However, the bill as considered by legislative committee and as introduced in HB 681 in relevant portion read "intent to kill and *inflicts* serious injury." The interpretation given above assumes this law to apply to one whose assault with a deadly weapon with intent to kill actually resulted in serious injury to the victim.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
I. 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
J. Castration or maiming without malice aforethought	Imprisonment 6 months - 10 years and fine	14-29	Felony
K. Malicious throwing of corrosive acid or alkali	Imprisonment 4 months - 10 years	14-30.1	Felony
ATTEMPT			
I. Attempt to commit arson or other unlawful burnings	Imprisonment up to 10 years or fine or both	14-67; 14-2	Felony
II. Attempted carnal knowledge of married woman by person-ating husband	Imprisonment 5-15 years	14-25	Felony
III. Assault with intent to rape	Imprisonment 1-15 years	14-22	Felony
IV. Attempted robbery with fire-arms or other dangerous weapon	Imprisonment 5-30 years	14-87	Felony
V. Attempted safecracking	Imprisonment 10 years-life	14-89.1	Felony

VI. Attempted train robbery	Imprisonment 2-20 years	14-89	Felony
VII. Attempted escape			
See "ESCAPE"			
VIII. Other attempts not covered by specific statute			
See heading for particular offense			
IX. 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
X. 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
XI. Attempt to commit a misdemeanor not specifically punished in some statute	Imprisonment up to 2 years or fine or both ²	c.1.; 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.1. misdemeanor escalated to a felony by 14-3)	c.1.; 14-3	Felony

¹Such 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).

²If the attempt is to commit a misdemeanor punishable less heavily than is prescribed by G.S. 14-3(a), it seems probable that the lesser punishment specified for the completed offense would be the maximum that the courts would impose for the attempt.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
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.1.; 14-3	Misdemeanor
BAD CHECK			
See "FALSE PRETENSES AND CHEATS"			
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 payments for support, or d) Mother's birth and medical expenses or e) Order to sign recognizance 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
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BLACKMAILING

See "FRAUD"

BOMBS

See "EXPLOSIVE OR INCENDIARY DEVICE"

BRIBERY

I. Of officials	Imprisonment up to 5 years or fine up to \$5,000 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

¹In *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>
BURGLARY AND OTHER BREAKING			
For breaking and entering jail			
See "OBSTRUCTING JUSTICE"			
I. First degree burglary ¹	Death or, on recommendation of jury, imprisonment for life	14-51; 14-52	Felony
II. Second degree burglary ¹	Imprisonment up to life	14-51; 14-52	Felony
III. Breaking or entering building with intent to commit felony or larceny	Imprisonment up to 10 years or fine or both	14-54(a); 14-2	Felony
IV. Preparation to commit burglary ²	Imprisonment up to 10 years or fine or both	14-55; 14-2	Felony
V. Breaking or entering railroad cars, motor vehicles or trailers with intent to commit felony or larceny ³	Imprisonment up to 5 years	14-56	Felony
VI. Burglary with explosives ⁴	Imprisonment up to life	14-56	Felony
VII. Wrongful breaking or entering building	Imprisonment up to 2 years or fine or both	14-54(b); 14-3(a)	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 CROPS

See "ARSON AND BURNING -
Burning another's crops"

CASTRATION

See "ASSAULT - Felonies -
Malicious castration"

CHECK, WORTHLESS

See "FALSE PRETENSES AND
CHEATS"

CITY ORDINANCE

See "ORDINANCE VIOLATION -
Municipal or county"

COHABITATION

Imprisonment up to 6 months
or fine up to \$500 or both 14-184 Misdemeanor

¹In certain circumstances includes the offense of breaking out of dwelling house at night. See G.S. 14-53.

²Includes possession of burglar's tools.

³Includes the offense of breaking out after committing felony or larceny.

⁴Compare "SAFECRACKING."

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
COMMON NUISANCE	Imprisonment up to 2 years or fine or both ¹	c.1.; 14-3	Misdemeanor
COMPOUNDING A FELONY	Imprisonment up to 2 years or fine or both	c.1.; 14-3	Misdemeanor
CONCEALED WEAPON, CARRYING	Imprisonment up to 6 months or fine up to \$500 or both	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 ²	14-46; 14-3	Misdemeanor ²
CONSPIRACY			
I. To abduct children	Imprisonment up to 15 years or fine	14-42	Felony
II. To blacklist employees	Imprisonment up to 2 years or fine or both	14-356; 14-3	Misdemeanor
III. By use of explosive or incendiary device			
A. To injure another person	Imprisonment up to 15 years	14-50(a); 14-50(c)	Felony
B. To damage property	Imprisonment up to 15 years	14-50(b); 14-50(c)	Felony

IV. To rebel against the State	Imprisonment up to 10 years and fine up to \$5,000	14-9	Felony
V. By joining unlawful secret society	Imprisonment up to 2 years or fine or both	14-12.3; 14-12.15; 14-3	Misdemeanor
VI. To forge deeds, wills, etc.	Imprisonment 4 months - 10 years or fine	14-122	Felony
VII. To break or enter jails with intent to injure prisoners (lynching)	Imprisonment 2-15 years and fine at least \$500	14-221	Felony
VIII. 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.1.; 14-3	Felony
IX. To commit misdemeanors as to which there is no specific conspiracy statute	Imprisonment up to 2 years or fine or both	c.1.; 14-3	Misdemeanor
CONTEMPT OF COURT ³	Imprisonment up to 30 days or fine up to \$250 or both	5-1; 5-4	Misdemeanor

¹G.S. 14-188(b) limits punishment for "keeping . . . or permitting a house to be used as a bawdy house or used in such a way to make it disorderly or a common nuisance" to imprisonment up to 6 months or a fine up to \$500 or both.

²Unless deemed infamous. In this event the misdemeanor would become a felony under the terms of G.S. 14-3(b).

³Acts listed in G.S. 5-1 as punishable under G.S. 5-4 constitute criminal contempt offenses in North Carolina; acts listed in G.S. 5-8 constitute civil contempt and do not carry criminal penalties. As to officers empowered to punish for contempt under G.S. 5-1 and G.S. 5-4 see G.S. 5-6.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
CONTRIBUTING TO DELINQUENCY See "MINORS - Contributing to delinquency"			
COUNTERFEITING OR UTTERING COUNTERFEIT MONEY	Imprisonment 4 months - 10 years	14-13	Felony
COUNTY ORDINANCE See "ORDINANCE VIOLATION - Municipal or county"			
CRIME AGAINST NATURE See "MORALS OFFENSES"			
DELINQUENCY See "MINORS - Contributing to delinquency"			
DESECRATION OF CEMETERIES	Imprisonment up to 30 days or fine up to \$100 or both	14-150.1	Misdemeanor
DISCHARGING FIREARM INTO OCCUPIED PROPERTY	Imprisonment up to 10 years or fine or both	14-34.1; 14-2	Felony

DISORDERLY CONDUCT

Imprisonment up to 6 months
or fine up to \$500

14-288.4(b)

Misdemeanor

DISTURBING GRAVES

Imprisonment up to 10 years
or fine or both

14-150;
14-2

Felony

DRIVER LICENSE OFFENSES

See "MOTOR VEHICLE LAW
VIOLATIONS"

DRUNKENNESS

See also "MOTOR VEHICLE
LAW VIOLATIONS - Drunk
driving"

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>
DUMPING OR LITTERING			
I. Depositing trash on lands of another or in river or stream	Imprisonment up to 6 months or fine up to \$500 or both	14-134.1	Misdemeanor
II. Placing trash on public road right-of-way	Fine \$10-\$50	14-399	Misdemeanor
EMBEZZLEMENT			
I. By person in position of trust, etc.	Imprisonment up to 10 years or fine or both	14-90; 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 and 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. By servant	Imprisonment 4 months - 10 years or fine	14-74	Felony
VI. Other embezzlements or misapplications of funds	See 14-93 to 14-99		

ESCAPE

(Sentences imposed commence on termination of sentence being served unless court orders otherwise)

I. Escape or attempted escape from state prison system			
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
II. Escape by prisoners in county or municipal jails			
A. Hired prisoners	Imprisonment up to 30 days or fine up to \$50	14-255	Misdemeanor
B. From facilities or custody of county or municipal officers	Imprisonment up to 2 years or fine or both	14-256; 14-3	Misdemeanor
III. Aiding escape			
A. Aiding or abetting--State correction system ²	Imprisonment up to 2 years or fine or both	148-45; 14-3	Misdemeanor

¹The 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.

²Only applies to escape of prisoner in State correction system.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
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 ¹			
1. Trading ²	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 4-10 years*	14-258 14-2	Felony
EXPLOSIVE OR INCENDIARY DEVICE			
See also "CONSPIRACY"			
See also "LARCENY AND RECEIVING"			
See also "RIOTS AND CIVIL DISORDERS - Manufacture, sale or possession of weapon of mass death"			
I. Use of device			
A. Willful injury	Imprisonment 5-30 years	14-49(a); 14-49(c)	Felony

B. Willful property damage	Imprisonment 5-30 years	14-49(b); 14-49(c)	Felony
C. Willful damage to occupied property	Imprisonment 10 years - life	14-49.1	Felony
II. Bomb hoax	Imprisonment up to 2 years or fine or both	14-69.2; 14-3	Misdemeanor

FALSE IMPRISONMENT

See "KIDNAPPING AND ABDUCTION"

FALSE PRETENSES AND CHEATS

See also "FRAUD"

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-\$1,000 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

¹As to conveying certain prohibited articles to prisoners and inmates of institutions, see also "PENAL AND CHARITABLE INSTITUTIONS--ILLEGALLY SUPPLYING INMATES."

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

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
V. Knowingly writing worthless check			
A. Check not over \$50	Imprisonment up to 30 days or fine up to \$50	14-107	Misdemeanor
B. Check over \$50	Imprisonment up to 6 months or fine up to \$500 or both	14-107	Misdemeanor
VI. Obtaining or attempting to obtain goods through false credit device ¹	Imprisonment up to 6 months or fine up to \$500 or both	14-113.1; 14-113.6	Misdemeanor
VII. Obtaining or attempting to obtain tele-communications services with intent to avoid charge	Imprisonment up to 6 months or fine up to \$500 or both	14-113.4; 14-113.6	Misdemeanor
FELON, BEING AN HABITUAL			
See "HABITUAL FELON"			
FORGERY			
See also "FRAUD"			
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 14-122 Felony
years or fine

V. Other forgery offenses

See 14-123 to 14-125²

FORNICATION AND ADULTERY

See "COHABITATION"

FRAUD

See also "ARSON AND BURNING -
Burning of dwelling house by
occupant or owner willfully
or for fraudulent purpose"

See also "PERJURY"

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 ³	14-118; 14-3	Misdemeanor ³

¹This applies to devices other than credit cards. See also "FRAUD - Fraudulent credit card practices."

²For forgery of credit cards, see "FRAUD - Fraudulent credit card practices."

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

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
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; 14-113.17(b)	Felony
B. Forgery of credit card	Imprisonment up to 3 years or fine up to \$3,000 or both	14-113.11; 14-113.17(b)	Felony
C. Credit card fraud			
1. --if value obtained or falsely repre- sented 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; 14-113.17(a)	Misdemeanor
2. --if value obtained or falsely repre- sented 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; 14-113.17(b)	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; 14-113.17(b)	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; 14-113.17(a)	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; 14-113.17(b)	Felony
IV. Fraudulent disposal of mortgaged personal property	Imprisonment up to 6 months or fine up to \$500 or both	14-114	Misdemeanor
V. Fraudulently secreting personal property subject to lien or mortgage	Imprisonment up to 6 months or fine up to \$500 or both	14-115	Misdemeanor
VI. Acquisition and use of information obtained from patients in hospitals for fraudulent purposes	Imprisonment up to 6 months or fine up to \$500 or both	114-118.3	Misdemeanor
VII. Fraudulent and deceptive advertising	Imprisonment up to 30 days or fine up to \$50	114-117	Misdemeanor
VIII. Assisting in obtaining academic credit by fraudulent means	Imprisonment up to 6 months or fine up to \$500 or both	14-118.2(a); 14-118.2(b)	Misdemeanor

¹Taking, obtaining or withholding a credit card without consent is included in conduct defined in G.S. 14-75 as larceny by virtue of G.S. 14-113.9(b).

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
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GAMBLING

See "LOTTERIES AND GAMBLING"

GLUE SNIFFING

See "NARCOTIC AND OTHER DRUG VIOLATIONS"

HABITUAL FELON (Being an habitual felon)

Imprisonment 20 years - life
(75% of sentence must be actively served)

14-7.6

Felony

HIGHWAYS

See "DUMPING OR LITTERING"

See "LIQUOR LAW VIOLATIONS - Drinking or offering on public street or highway"

See "MOTOR VEHICLE LAW VIOLATIONS"

See "OBSTRUCTING HIGHWAYS"

See "ORDINANCE VIOLATION - State Highway Commission"

HIT AND RUN DRIVING

See "MOTOR VEHICLE LAW
VIOLATIONS"

INCENDIARY DEVICE

See "EXPLOSIVE OR
INCENDIARY DEVICE"

INCITING TO RIOT

See "RIOTS AND CIVIL
DISORDERS"

INDECENT EXPOSURE

See "MORALS OFFENSES"

INJUNCTION VIOLATION

See "CONTEMPT OF COURT"

See "RIOTS AND CIVIL
DISORDERS - Violation
of emergency proclama-
tions - Superior court
injunction"

KIDNAPPING AND ABDUCTION

I. Kidnapping

Imprisonment up to life

14-39

Felony

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
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
IV. Transporting child outside state with intent to violate custody order	Imprisonment up to 3 years or fine or both	14-320.1	Felony
V. False imprisonment	Imprisonment up to 2 years or fine or both	c.1.; 14-3	Misdemeanor
LARCENY AND RECEIVING			
I. Larceny			
A. Of goods valued over \$200	Imprisonment up to 10 years or fine or both	14-70	Felony
B. From person	Imprisonment up to 10 years or fine or both	14-70; 14-72(b)(1); 14-2	Felony
C. By breaking or entering in violation of 14-51, 14-53, 14-54 or 14-57	Imprisonment up to 10 years or fine or both	14-70; 14-72(b)(2); 14-2	Felony
D. Of explosive device	Imprisonment up to 10 years or fine or both	14-70; 14-72(b)(3); 14-2	Felony
E. Of goods valued up to \$200	Imprisonment up to 2 years or fine or both	14-72(a); 14-3(a)	Misdemeanor

F. Of dog	Imprisonment up to 2 years or fine*	14-84; 14-3	Misdemeanor
G. Temporary taking of vehicle	Imprisonment up to 2 years or fine or both	20-105	Misdemeanor
H. Temporary taking of horses, etc.	Imprisonment up to 6 months or fine up to \$500 or both	14-82	Misdemeanor
I. 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
J. Credit card theft			
See "FRAUD - Fraudulent credit card practices"			
K. Other statutory larceny offenses			
See 14-74 to 14-81			
II. Receiving			
A. Goods valued less than \$200 known to have been larcenously or feloniously ¹ taken	Imprisonment up to 2 years or fine or both	14-71; 14-72(a); 14-3(a)	Misdemeanor

¹Except in situations covered in C., D., E., and F. below.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
B. Goods valued more than \$200 known to have been larcenously or feloniously taken	Imprisonment up to 10 years or fine or both	14-70; 14-71; 14-2	Felony
C. Goods known to have been larcenously taken from the person	Imprisonment up to 10 years or fine or both	14-70; 14-71; 14-72(b)(1); 14-72(c); 14-2	Felony
D. Goods known to have been larcenously taken by breaking or entering by violation of 14-51, 14-53, 14-54 or 14-57	Imprisonment up to 10 years or fine or both	14-70; 14-71; 14-72(b)(2); 14-72(c); 14-2	Felony
E. Of explosive device known to have been larcenously taken	Imprisonment up to 10 years or fine or both	14-70; 14-71; 14-72(b)(3); 14-72(c); 14-2	Felony
F. Of stolen vehicles	Imprisonment 1-5 years or fine \$500-\$5,000 or both	20-106; 20-177	Felony

LITTERING

See "DUMPING OR LITTERING"

LIQUOR LAW VIOLATIONS¹

I. Distilling and manufacturing intoxicating 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 spirituous, vinous or malt liquor for sale	Imprisonment up to 2 years or fine or both	18-32; 14-3 ²	Misdemeanor
IV. Possession of nontax-paid intoxicating liquor	Imprisonment up to 2 years or fine or both	18-2; 18-29; 14-3	Misdemeanor
V. Possession of nontax-paid alcoholic beverages ³	Imprisonment up to 2 years or fine or both	18-48; 14-3	Misdemeanor
VI. Sale to or purchase by minors	Imprisonment up to 2 years or fine or both	18-90.1; 14-3	Misdemeanor
VII. Drinking or offering alcoholic beverages ³ on public street or highway	Imprisonment up to 2 years or fine or both	18-51(6), Subdiv. a, 3; 18-51(9); 14-3	Misdemeanor

¹G.S. 18-6 provides for the seizure and sale of illegally transported liquor, liquor-making materials, and any conveyance used, except that "transportation of the legal amount of alcoholic beverages, as defined in G.S. 18-60, in the passenger area of the motor vehicle with the cap or seal on the container or containers open or broken, shall not be ground for confiscation of the motor vehicle."

²The same punishment would apply if the offense were laid under G.S. 18-50 as punished under G.S. 14-3.

³I.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>
VIII. Making public display of alcoholic beverages ¹ at athletic contest	Imprisonment up to 2 years or fine or both	18-51(6), Subdiv. b; 18-51(9); 14-3	Misdemeanor
IX. 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); 18-51(9); 14-3	Misdemeanor
X. Willful transportation of alcoholic beverages ¹ in excess of 1 gallon within, into, or through North Carolina	Imprisonment up to 2 years or fine or both ²	18-49.3; 14-3	Misdemeanor
XI. Other unlawful transportation of intoxicating liquor	Imprisonment up to 2 years or fine or both ²	18-2; 18-29; 14-3	Misdemeanor
XII. Possessing or consuming alcoholic beverages ¹ , other than sweet wines, in business establishment with no brown bag permit	Imprisonment up to 2 years or fine or both	18-51(5); 18-51(9); 14-33	Misdemeanor
XIII. Other unlawful sales			
A. Of illicit liquor	Imprisonment up to 2 years or fine or both	18-50; 14-3	Misdemeanor
B. Of ABC liquor	Imprisonment up to 2 years or fine or both	18-50; 14-3	Misdemeanor
C. Of intoxicating liquor generally	Imprisonment up to 2 years or fine or both	18-2; 18-29; 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 or 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
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 ⁴	14-295	Misdemeanor
V. Operating or possessing slot machine	Imprisonment up to 2 years or fine or both	14-301; 14-303; 14-3	Misdemeanor

¹I.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.

²G.S. 18-6 provides for the seizure and sale of illegally transported liquor, liquor-making materials, and any conveyance used, except that "transportation of the legal amount of alcoholic beverages, as defined in G.S. 18-60, in the passenger area of the motor vehicle with the cap or seal on the container or containers open or broken, shall not be ground for confiscation of the motor vehicle."

³Compare related offense under G.S. 18-51(b), subdivision e, which makes possession or consumption unlawful if permit not displayed. The same punishment provisions apply.

⁴This 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>
LYNCHING			
See "OBSTRUCTING JUSTICE"			
MAIM			
See "ASSAULT"			
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
MAYHEM			
See "ASSAULT"			
MINORS			
I. Contributing to delinquency	Imprisonment up to 2 years or fine or both	14-316.1; 14-3	Misdemeanor
II. Neglect	Imprisonment up to 2 years or fine or both	14-316.1; 14-3	Misdemeanor

MORAL OFFENSES

I. Crime against nature	Imprisonment up to 10 years or fine*	14-177; 14-2	Felony
II. Indecent exposure	Imprisonment up to 6 months or fine up to \$500 or both	14-190	Misdemeanor
III. Obscene literature			
A. Possessing for sale, or exhibiting for gain, or exhibiting in school	Imprisonment up to 2 years or fine or both	14-189; 14-3	Misdemeanor
B. Selling illegal crime comics or possessing them for sale	Imprisonment up to 2 years or fine*	14-189; 14-3	Misdemeanor
C. Disseminating obscenity	Imprisonment up to 2 years or fine or both	14-189.1; 14-3	Misdemeanor

MORTGAGED PROPERTY, DISPOSAL

See "FRAUD"

MOTOR VEHICLE LAW VIOLATIONS¹

See also "DUMPING OR LITTER-
ING"

See also "ORDINANCE VIOLATION
- State Highway Commission"

¹For a more complete listing of motor vehicle offenses see the 1970 Institute of Government publication entitled Punishments for Motor Vehicle Offenses.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
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 ²	20-28(b); 14-3	Misdemeanor
II. Driving without license	Imprisonment up to 6 months or fine up to \$500	20-7(a), (o); 20-35	Misdemeanor
III. Hit and run driving ³			
A. Involving personal injury or death	Imprisonment 1-5 years or fine not less than \$500 or both	20-166(a), (c); 20-182	Felony
B. Involving property damage	Imprisonment up to 2 years or fine or both	20-166(b)	Misdemeanor
IV. Drunk driving ⁴			
A. First offense	Imprisonment 30 days - 6 months or fine \$100 - \$500 or both	20-138 or 20-139; 20-179(a)	Misdemeanor
B. Second offense	Imprisonment 2-6 months or fine \$200-\$500 or both	20-138 or 20-139; 20-179(a)	Misdemeanor

C. Subsequent offense	Minimum fine of \$500 or both such fine and imprisonment up to 2 years	20-138 or 20-139; 20-179(a)	Misdemeanor
V. Reckless driving ⁵	Imprisonment up to 6 months or fine up to \$500 or both	20-140 or 20-140.1	Misdemeanor
VI. Motor vehicle racing			
A. Willful racing	Imprisonment up to 2 years or fine not less than \$50 or both	20-141.3(b)	Misdemeanor
B. Willful, prearranged racing	Imprisonment 60 days - 2 years or fine not less than \$500 or both	20-141.3(a)	Misdemeanor
VII. Tampering with vehicle	Imprisonment up to 2 years or fine or both	20-107; 14-3	Misdemeanor

¹One may not apply for reinstatement of a permanently revoked license until at least three years have passed.

²The statute specifies a minimum of one year imprisonment and is silent as to any other punishment. As there is no specific maximum punishment, it is assumed that G.S. 14-3 applies. It is not clear whether a fine would be permissible either in addition or as an alternative.

³See 20-17(4) and 20-19(f) as to revocation of license for this offense.

⁴See 20-17(2) and 20-19(d), (c) and (f) as to revocation of license for this offense. See also 20-179(b) as to limited driving privilege for first offenders.

⁵See 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>
VIII. Altering engine number or other vehicle identification mark	Imprisonment up to 2 years or fine or both	20-109; 14-3	Misdemeanor
IX. Failure to obey traffic officer	Imprisonment up to 60 days or fine up to \$100 or both	20-114.1(a); 20-176(b)	Misdemeanor
MUNICIPAL ORDINANCE			
See "ORDINANCE VIOLATION - Municipal or county"			
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
NARCOTIC AND OTHER DRUG VIOLATIONS			
See also "PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES"			
I. Violation of Uniform Narcotic Drug Act (90-86 to 90-113)			
A. Possession of small quantities of marijuana-type drugs	Imprisonment up to 2 years or fine or both	90-111(a); 14-3	Misdemeanor

B. First offense - generally	Imprisonment up to 5 years or fine up to \$1,000 or both	90-111(a)	Felony
C. Second offense	Imprisonment 5-10 years and fine up to \$2,000 - no suspension or probation if drugs sold or peddled to others or possessed for purpose of sale	90-111(a); 90-111(b)	Felony
D. Subsequent offense	Imprisonment 15 years - life and fine up to \$3,000 - no suspension or probation if drugs sold or peddled to others or possessed for purpose of sale	90-111(a); 90-111(b)	Felony
E. Supplying to minor by adult	Imprisonment 10 years - life and fine up to \$3,000 - no suspension or probation	90-111(c)	Felony
II. Violation with regard to barbiturate or stimulant drugs (90-113.1 to 90-113.8)			
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. Sale or possession for purpose of sale			
1. First offense	Imprisonment 6 months - 5 years	90-113.2(5); 90-113.8(a)	Felony
2. Subsequent offense	Imprisonment 1-10 years	90-113.2(5); 90-113.8(a)	Felony

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
III. Violation with regard to toxic glue			
A. Smelling glue to cause intoxication	Imprisonment up to 2 years or fine or both	90-113.9; 90-113.8(d); 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	90-113.10; 90-113.8(d); 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	90-113.11; 90-113.8(d); 14-3	Misdemeanor
OBSTRUCTING HIGHWAY	Imprisonment up to 30 days or fine up to \$50	136-91	Misdemeanor

NUISANCE

See "COMMON NUISANCE"

See also "DUMPING OR LITTERING"

See also "RIOTS AND CIVIL DISORDERS - Sitting or lying upon streets or highways"

OBSTRUCTING JUSTICE

See also "CONSPIRACY - To break or enter jails"

See also "CONTEMPT OF COURT"

See also "MOTOR VEHICLES - Failure to obey traffic officers"

See also "RIOTS AND CIVIL DISORDERS - Failure to disperse"

I. Breaking or entering jails with intent to injure prisoners (lynching)

14-221

Imprisonment 2-15 years and fine not less than \$500

Felony

II. Resisting officers

14-223

Imprisonment up to 6 months or fine up to \$500 or both

Misdemeanor

ORDINANCE VIOLATION

I. Municipal or county

14-4

Imprisonment up to 30 days or fine up to \$50

Misdemeanor

II. State Highway Commission traffic ordinances

136-18(5); 14-3

Imprisonment up to 2 years or fine or both

Misdemeanor

PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES

I. Intoxicants, barbiturates, or stimulant drugs

90-113.12; 14-3

Imprisonment up to 2 years or fine*

Misdemeanor

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
II. Poisons, narcotics, or weapons	Imprisonment up to 10 years or fine	90-113.13	Felony
PERJURY			
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
III. False statement to procure benefit of insurance policy or certificate ¹	Imprisonment up to 5 years or fine up to \$5,000 or both	14-214	Felony
PROPERTY, VIOLATIONS AGAINST			
See also "ARSON AND BURNING"			
See also "DUMPING OR LITTERING"			
See also "RIOTS AND CIVIL DISORDERS - Disorderly conduct in and injuries to public buildings"			
For other offenses involving trespass or damage to property, see specific offenses. ²			
I. Forcible entry and detainer ³	Imprisonment up to 2 years or fine or both	14-126; 14-3	Misdemeanor

II. Trespass after being forbidden ⁴	Imprisonment up to 6 months or fine up to \$500 or both	14-134	Misdemeanor
III. Willful and wanton injury to property			
A. Injury to real property	Imprisonment up to 2 years or fine or both	14-127; 14-3	Misdemeanor
B. Injury to personal property			
1. Damage up to \$200	Imprisonment up to 6 months or fine up to \$500 or both	14-160(a)	Misdemeanor
2. Damage over \$200	Imprisonment up to 2 years or fine or both	14-160(b); 14-3(a)	Misdemeanor
IV. Willful damage to various kinds of real property	Imprisonment up to 6 months or fine up to \$500 or both	14-144	Misdemeanor

¹Compare "ARSON AND BURNING - Burning of dwelling house by occupant or owner willfully or for fraudulent purpose."

²Many of the more minor trespass or property-damage offenses, however, are omitted as they are not often prosecuted in Superior Court. For a general listing of offenses carrying minor punishment, see the Institute of Government publication entitled Misdemeanors with Punishments Not Exceeding \$50 Fine or 30 Days Imprisonment (1970).

³The 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).

⁴This offense includes refusing to leave property after being asked to do so.

<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 fine*1	14-208; 14-3	Misdemeanor
PUBLIC DRUNKENNESS			
See "DRUNKENNESS"			
RAPE			
See also "ASSAULT - Felonies - Assault with intent to commit 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			
A. By male 18 or more	Imprisonment up to 10 years or fine*	14-26; 14-2	Felony
B. By male under 18	Imprisonment up to 2 years or fine or both	14-26; 14-27; 14-3	Misdemeanor

III. Carnal knowledge by female of boy under 16	Imprisonment up to 2 years or fine*	14-26; 14-3	Misdemeanor
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RECKLESS DRIVING

See "MOTOR VEHICLE LAW
VIOLATIONS"

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
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RIOTS AND CIVIL DISORDERS

I. Riot

A. Engaging in riot	Imprisonment up to 2 years or fine or both	14-288.2(b); 14-3(a)	Misdemeanor
B. Engaging in riot - more than \$1,500 property damage or serious injury resulting	Imprisonment up to 5 years or fine up to \$10,000 or both	14-288.2(c)	Felony
C. Engaging in riot while possessing dangerous weapon or substance	Imprisonment up to 5 years or fine up to \$10,000 or both	14-288.2(c)	Felony

¹Probation or parole may not be granted as to any 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>
D. Inciting to riot	Imprisonment up to 2 years or fine or both	14-288.2(d); 14-3(a)	Misdemeanor
E. Inciting to riot - more than \$1,500 property damages or serious injury resulting	Imprisonment up to 10 years or fine or both	14-288.2(e); 14-2	Felony
II. Disorderly conduct	Imprisonment up to 6 months or fine up to \$500	14-288.4(b)	Misdemeanor
III. Disorderly conduct in or injury to public building or facility	Imprisonment up to 6 months or fine up to \$500 or both	14-132	Misdemeanor
IV. Blocking ingress or egress of public buildings	Imprisonment up to 6 months or fine up to \$500 or both	14-132.1	Misdemeanor
V. Sitting or lying upon highways or streets ¹	Imprisonment up to 6 months or fine up to \$500 or both	20-174.1(a); 20-174.1(b)	Misdemeanor
VI. Failure to disperse	Imprisonment up to 6 months or fine up to \$500	14-288.5(b)	Misdemeanor
VII. Trespass during emergency	Imprisonment up to 2 years or fine or both	14-288.6(a); 14-3(a)	Misdemeanor
VIII. Looting	Imprisonment up to 5 years or fine up to \$10,000 or both	14-288.6(b)	Felony

IX. Transporting or possessing dangerous weapon or substance in emergency area	Imprisonment up to 2 years or fine or both	14-288.7(c); 14-3(a)	Misdemeanor
X. Manufacture, sale, possession, etc., of weapon of mass death or destruction	Imprisonment up to 2 years or fine or both	14-288.8(d); 14-3(a)	Misdemeanor
XI. Assault on emergency personnel			
A. Without use of dangerous weapon or substance	Imprisonment up to 2 years or fine or both	14-288.9(c); 14-3(a)	Misdemeanor
B. With dangerous weapon or substance	Imprisonment up to 5 years or fine up to \$10,000 or both	14-288.9(c)	Felony
XII. Violation of emergency proclamations			
A. Issued pursuant to municipal ordinance	Imprisonment up to 30 days or fine up to \$50	14-288.12(e); 14-4	Misdemeanor
B. Issued pursuant to county ordinance	Imprisonment up to 30 days or fine up to \$50	14-288.13(d); 14-4	Misdemeanor
C. Municipal proclamation extended to county	Imprisonment up to 30 days or fine up to \$50	14-288.14(e)	Misdemeanor
D. Issued by Governor	Imprisonment up to 6 months or fine up to \$500	14-288.15(e)	Misdemeanor
E. Governor's order to evacuate public building	Imprisonment up to 6 months or fine up to \$500 or both	14-288.19(b)	Misdemeanor

¹See also "OBSTRUCTING HIGHWAY."

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
F. Superior court injunction	Imprisonment up to 30 days or fine up to \$250 or both	14-226.1	Misdemeanor
ROBBERY			
See also "ATTEMPT - Attempted robbery with firearms"			
See also "ATTEMPT - Attempted train robbery"			
I. Robbery (common law and highway robbery) ¹	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
SAFECRACKING			
See also "ATTEMPT - Attempted safecracking"			
SECRET SOCIETIES AND ACTIVITIES			
I. Forming or joining certain secret societies	Imprisonment up to 2 years or fine*	14-12.3; 14-12.15; 14-3	Misdemeanor

II.	Wearing of masks, hoods, etc., on public ways	Imprisonment up to 2 years or fine*	14-12.7; 14-12.15; 14-3	Misdemeanor
III.	Wearing of masks, hoods, etc., on public property	Imprisonment up to 2 years or fine*	14-12.8; 14-12.15; 14-3	Misdemeanor
IV.	Entry, etc., upon premises of another while wearing mask	Imprisonment up to 2 years or fine*	14-12.9; 14-12.15; 14-3	Misdemeanor
V.	Holding meetings or demonstra- tions while wearing masks with- out written and recorded permission of property owner	Imprisonment up to 2 years or fine*	14-12.10; 14-12.15; 14-3	Misdemeanor
VI.	Placing burning cross on property of another without written permission	Imprisonment up to 2 years or fine*	14-12.12(a); 14-12.15; 14-3	Misdemeanor
VII.	Placing burning cross on property of another or on highway with intention of intimidation, etc.	Imprisonment 1-5 years	14-12.12(b); 14-12.15	Felony
VIII.	Placing exhibit while wearing mask with intention of intimidation, etc. ²	Imprisonment 1-5 years	14-12.14; 14-12.15	Felony
SEDUCTION		Imprisonment up to 5 years or fine	14-180	Felony

¹See "ATTEMPT - Attempt to commit a felony [infamous] not specifically provided in some statute" for the punishment applicable in case of attempted common law robbery.

²Compare this offense with G.S. 14-12.13, which carries the same punishment. This section is similar to the one above, except that it deletes the mask-wearing element.

<u>CRIME</u>	<u>PUNISHMENT</u>	<u>SOURCE</u>	<u>GRADE</u>
SLOT MACHINES			
See "LOTTERIES AND GAMBLING"			
SOLICITATION TO COMMIT FELONY	Imprisonment up to 2 years or fine or both	c.l.; 14-3	Misdemeanor
STATE HIGHWAY COMMISSION			
See "ORDINANCE VIOLATION - State Highway Commission"			
SUBORNATION OF PERJURY			
See "PERJURY - Subornation of perjury"			
TOWN ORDINANCE			
See "ORDINANCE VIOLATION - Municipal or county"			
TRESPASS			
See "PROPERTY, VIOLATIONS AGAINST"			

VAGRANCY

I. First offense	Imprisonment up to 30 days. or fine up to \$50	14-336	Misdemeanor
II. Subsequent offense	Imprisonment up to 6 months or fine up to \$500 or both	14-336	Misdemeanor

VEHICLE OFFENSES

See "MOTOR VEHICLE LAW
VIOLATIONS"

WORTHLESS CHECK

See "FALSE PRETENSES
AND CHEATS"

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