

# **Punishment Chart for Crimes**

**of General Interest in  
the Superior Courts  
of North Carolina**

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## PREFACE

This chart is the Institute of Government's fourth compilation based on an earlier chart originally called Summary of Crimes Most Frequently Committed by Punishment, Grade, and Statute. Some of the crimes included in the last edition have been deleted; and most of the statutory crimes created since 1970 are included. The chart is not intended to be an exhaustive listing of all crimes under North Carolina law, but it should include the crimes that constitute most of any superior court's criminal docket.

The chart is current through the 1974 General Assembly. Some motor vehicle offenses are included, but see the Institute's publication entitled Punishments for Motor Vehicle Offenses for fuller treatment of this subject. Similarly, some offenses for which the punishment does not exceed \$50 or 30 days are included, but a more exhaustive listing of these offenses can be found in the Institute's chart entitled Misdemeanors with Punishments Not Exceeding \$50 Fine or 30 Days' Imprisonment. The former publication will be available in the summer of 1975 and the latter is currently available from the Institute of Government at a cost of \$1.50 per copy.

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 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.<sup>2</sup> 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 follow the combination of punishments specified by the substantive statute. Hence, with regard to a statute imposing imprisonment and fine,

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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 (1969).

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

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, that fact is noted by an asterisk (\*).

(2) The Blackmon holding has been extended to misdemeanors,<sup>3</sup> 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."<sup>4</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 deceit and intent to defraud, it becomes a felony punishable by up to ten year's imprisonment. 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.

(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.<sup>5</sup> 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 that, under the statutes, is "punishable by fine or imprisonment, or both, in the discretion of the court" and also is contained in an article of the General Statutes that 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

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

<sup>4</sup>This 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.

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

the maximum punishment permissible for violation of G.S. 20-174.1<sup>6</sup> 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." 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-references have occasionally been used to help locate 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 iv-vi. A Table of General Statutes that shows where a given statute may be found within the chart appears on pages vii-ix.

James C. Drennan  
January 1975

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<sup>6</sup>Subsequent to the commencement of the Spencer case the 1969 General Assembly rewrote G.S. 20-174.1.  
276 N.C. 535 at 549. Emphasis is original.

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PUNISHMENT CHART

CRIME

PUNISHMENT

SOURCE

GRADE

ABANDONMENT AND NONSUPPORT

1. 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

2. Nonsupport of child by either parent

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

14-322

Misdemeanor

3. Abandonment of child for 6 months

Imprisonment up to 10 years or fine or both

14-322.1;  
14-2

Felony

4. Failure of husband to provide adequate support

A. First offense

Order for support; Imprisonment up to 6 months or fine up to \$500 or both

14-325

Misdemeanor

B. Subsequent offense

Order for support; Imprisonment up to 2 years or fine or both

14-325

Misdemeanor

5. Abandonment of child under 16 by mother

Imprisonment up to 2 years or fine or both

14-326;  
14-3

Misdemeanor

6. Failure to support needy parents

A. First offense

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

14-326.1

Misdemeanor

B. Subsequent offense

Imprisonment up to 2 years or fine or both

14-326.1

Misdemeanor

ABDUCTION

See "KIDNAPPING AND ABDUCTION"

# ABORTION AND RELATED OFFENSES

|   |                                  |       |        |
|---|----------------------------------|-------|--------|
| 1. Using drugs or instruments to destroy unborn child                         | Imprisonment 1-10 years and fine | 14-44 | Felony |
| 2. Using drugs or instruments to produce miscarriage or injure pregnant woman | Imprisonment 1-5 years and fine  | 14-45 | Felony |

## ACCESSORY TO FELONY<sup>2</sup>

|   |   |       |        |
|---|---|-------|--------|
| 1. Before fact to:                        |   |       |        |
| A. Murder                                 | Imprisonment for life                                   | 14-6  | Felony |
| B. Arson <sup>3</sup>                     | 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 <sup>4</sup>                | Imprisonment up to life                                 | 14-39 | Felony |
| G. Any other felony (No specific statute) | Imprisonment up to 10 years or fine                     | 14-6  | Felony |
| 2. After the fact <sup>5</sup>            | Imprisonment 4 months - 10 years and fine at discretion | 14-7  | Felony |

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

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

<sup>3</sup>Many 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.

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

<sup>5</sup>Note that a receiver of stolen goods is not necessarily an accessory.

| <u>CRIME</u>   | <u>PUNISHMENT</u>                           | <u>SOURCE</u> | <u>GRADE</u> |
|--|---|---------------|--------------|
| AFFRAY   |   |               |              |
| See "ASSAULT"  |   |               |              |
| ARSON AND BURNING  |   |               |              |
| See also "ATTEMPT - Attempt to commit arson or other unlawful burnings"              |   |               |              |
| 1. Arson (against habitation)  | Imprisonment for life                       | 14-58         | Felony       |
| 2. Arson of occupied mobile home   | Imprisonment for life                       | 14-58.2       | Felony       |
| 3. Burning governmental buildings  | Imprisonment 2-30 yrs or fine or both       | 14-59         | Felony       |
| 4. Burning school buildings  | Imprisonment 2-30 years or fine or both     | 14-60         | Felony       |
| 5. Burning personal property   | Imprisonment 4 mos-10 years or fine or both | 14-66         | Felony       |
| 6. Setting fire to churches and other buildings                                      | Imprisonment 2-30 years or fine or both     | 14-62         | Felony       |
| 7. Burning of dwelling house by occupant or owner wilfully or for fraudulent purpose | Imprisonment 4 mos-10 years or fine or both | 14-65         | Felony       |
| 8. Burning of building or structure in process of construction                       | Imprisonment 2-30 years or fine or both     | 14-62.1       | Felony       |
| 9. Burning another's crops   | Imprisonment 4 months - 5 years             | 14-141        | Felony       |
| 10. Other burning offenses   |   |               |              |

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

# ASSAULT

## 1. Misdemeanors

|  |   |                      |             |
|--|---|----------------------|-------------|
| A. Simple assault, assault and battery or affray   | Imprisonment up to 30 days or fine up to \$50           | 14-33(a)             | Misdemeanor |
| B. Assault or assault and battery inflicting or attempting to inflict serious damage to another person | Imprisonment up to 2 yrs or fine or both                | 14-33(b)(1)          | Misdemeanor |
| C. Assault with deadly weapon  | Imprisonment up to 2 yrs or fine or both                | 14-33(b)(1)          | Misdemeanor |
| D. Assault or assault and battery on a female by a male over 18  | Imprisonment up to 2 yrs or fine or both                | 14-33(b)(2)          | Misdemeanor |
| E. Assault or assault and battery on a child under age of 12 years                                     | Imprisonment up to 2 yrs or fine or both                | 14-33(b)(3)          | Misdemeanor |
| F. Assault by pointing a gun   | Imprisonment up to 6 months or fine up to \$500 or both | 14-34                | Misdemeanor |
| G. Assault or assault and battery on law enforcement or corrections officer on duty                    | Imprisonment up to 2 years or fine or both              | 14-33(b)(4)          | Misdemeanor |
| H. Assault on emergency personnel  | Imprisonment up to 2 years or fine or both              | 14-288.9(c); 14-3(a) | Misdemeanor |

## 2. Felonies

|  |   |          |        |
|--|---|----------|--------|
| A. Assault with deadly weapon, inflicting serious injury | Imprisonment up to 10 years or fine or both | 14-32(b) | Felony |
| B. Assault with deadly weapon with intent to kill        | Imprisonment up to 10 years or fine or both | 14-32(c) | Felony |



| <u>CRIME</u>   | <u>PUNISHMENT</u>   | <u>SOURCE</u> | <u>GRADE</u> |
|--|---|---------------|--------------|
| 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    | Imprisonment up to 20 years or fine or both               | 14-32(a);     | Felony       |
| F. Secret assault  | Imprisonment 1-20 years or fine or both                   | 14-31         | Felony       |
| G. Assault with intent to commit rape (some times referred to as attempted rape) | Imprisonment 1-15 years                                   | 14-22         | Felony       |
| H. Malicious castration  | Imprisonment 5-60 years                                   | 14-28         | Felony       |
| I. Malicious maiming <sup>1</sup>  |   |               |              |
| 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

|     |  |   |                    |        |
|-----|--|---|--------------------|--------|
| 1.  | Attempt to commit arson or other unlawful burnings.                | Imprisonment 4 months - 10 years and fine at discretion                                 | 14-67              | Felony |
| 2.  | Attempted carnal knowledge of married woman by personating husband | Imprisonment 5-15 years   | 14-25              | Felony |
| 3.  | Assault with intent to rape  | Imprisonment 1-15 years   | 14-22              | Felony |
| 4.  | Attempted robbery with firearms or other dangerous weapon          | Imprisonment 5-30 years   | 14-87              | Felony |
| 5.  | Attempted safecracking   | Imprisonment 2-30 years   | 14-89.1            | Felony |
| 6.  | Attempt to violate controlled substances laws                      | Equivalent to punishment for offense attempted  | 90-98              | ----   |
| 7.  | Attempted escape   |   |                    |        |
| 8.  | Other attempts not covered by specific statute                     |   |                    |        |
|     | See heading for particular offense                                 |   |                    |        |
| 9.  | Attempt to commit burglary   | Imprisonment up to 10 years or fine or both (an infamous misdemeanor escalated by 14-3) | c.1.; 14-3(b) 14-2 | Felony |
| 10. | 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(b) 14-2 | Felony |

<sup>1</sup>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)

<sup>2</sup>G.S. 14-67.1 provides the same punishment for attempted burning of any other type of building not otherwise covered in Article 15 of Ch. 14.

CRIME

PUNISHMENT

GRADE

|  |   |                          |             |
|--|---|--------------------------|-------------|
| 11. Attempt to commit a misdemeanor not specifically punished in some statute  | Imprisonment up to 2 years or fine or both  | c.1.;<br>14-3            | Misdemeanor |
| 12. Attempt to commit a felony not specifically punished in some statute [if attempt is infamous, done in secret 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.;<br>14-2<br>14-3(b) | Felony      |
| 13. Attempt to commit a felony not specifically punished in some statute [if attempt not characterized by description in brackets above]                           | Imprisonment up to 2 years or fine or both  | c.1.;<br>14-3            | Misdemeanor |

BAD CHECK

See "FALSE PRETENSES AND CHEATS"

BASTARDY (Nonsupport<sup>2</sup> by parents of illegitimate child under 18)

|  |               |             |
|--|---------------|-------------|
| a) Imprisonment up to 6 months or                                    | 49-2;<br>49-8 | Misdemeanor |
| 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  |               |             |

BIGAMY (and bigamous cohabitation)

|                             |        |        |
|-----------------------------|--------|--------|
| Imprisonment 4 mos - 10 yrs | 14-183 | Felony |
|-----------------------------|--------|--------|

## BLACKMAILING

See "FRAUD"

Imprisonment up to 2 years or  
fine or both

14-118;  
14-3

Misdemeanor<sup>3</sup>

## BOMBS

See "EXPLOSIVE OR INCENDIARY DEVICE"

## BRIBERY

1. Accepting bribe by public official

Imprisonment up to 5 years  
or fine up to \$5,000 or both

14-217

Felony

2. Offering bribe to or accepting bribe by  
legislators

Imprisonment up to 5 years,  
fine up to twice amount offered,  
forfeiture of seat and  
permanent disqualification from  
further public office

14-219

Felony

3. Offering bribe to or accepting bribe by jurors

Imprisonment 4 mos - 10 yrs

14-220

Felony

4. Offering a bribe

Imprisonment 1-5 years

14-218

Felony

<sup>1</sup>If 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.

<sup>2</sup>In State v. Green, 277 N.C. 188, the Court stated that the "only punishment authorized by law [for violation of G.S. 49-2] . . . is limited to six months in prison." Support and other payments are, therefore, not criminal fines or penalties.

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

CRIME

BURGLARY AND OTHER BREAKING

For breaking and entering jail, see "OBSTRUCTING JUSTICE"

|   | <u>PUNISHMENT</u>                           | <u>SOURCE</u>        | <u>GRADE</u> |
|---|---|----------------------|--------------|
| 1. First degree burglary <sup>1</sup>   | Imprisonment for life                       | 14-51;<br>14-52      | Felony       |
| 2. Second degree burglary <sup>1</sup>  | Imprisonment up to life                     | 14-51;<br>14-52      | Felony       |
| 3. Breaking or entering building with intent to commit felony or larceny                                  | Imprisonment up to 10 years or fine or both | 14-54(a)<br>14-2     | Felony       |
| 4. Preparation to commit burglary <sup>2</sup>  | Imprisonment up to 10 years or fine or both | 14-55;<br>14-2       | Felony       |
| 5. Breaking or entering railroad cars, motor vehicles or trailers with intent to commit felony or larceny | Imprisonment up to 5 years                  | 14-56                | Felony       |
| 6. Burglary with explosives <sup>4</sup>  | Imprisonment up to life                     | 14-57;<br>14-52      | Felony       |
| 7. Wrongful breaking or entering building   | Imprisonment up to 2 years or fine or both  | 14-54(b);<br>14-3(a) | Misdemeanor  |
| 8. Breaking into coin-operated machines   | Imprisonment up to 2 years or fine or both  | 14-56.1;<br>14-3     | Misdemeanor  |
| 9. Damaging or destroying coin-operated machines  | Imprisonment up to 2 years or fine or both  | 14-56.2;<br>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"

COMMUNICATING THREATS<sup>5</sup>

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

14-277.1 Misdemeanor

COMPOUNDING A FELONY

Imprisonment up to 2 years  
or fine or both

c.l.;  
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

1. Concealing

Imprisonment up to 10 years  
or fine or both

14-46 Felony

2. Aiding or abetting

Imprisonment up to 2 years  
or fine or both

14-46  
14-3 Misdemeanor<sup>6</sup>

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

<sup>2</sup>Includes possession of burglar's tools.

<sup>3</sup>Includes the offense of breaking out after committing felony or larceny.

<sup>4</sup>Compare "SAFE CRACKING."

<sup>5</sup>This is a new offense and will become effective on July 1, 1975.

<sup>6</sup>Unless deemed infamous. In this event the misdemeanor would become a felony under the terms of G.S. 14-3(b).

CRIME

PUNISHMENT

SOURCE

GRADE

CONSPIRACY

|  |   |                           |             |
|--|---|---------------------------|-------------|
| 1. To abduct children  | Imprisonment up to 15 years or fine   | 14-42                     | Felony      |
| 2. To blacklist employees  | Imprisonment up to 2 years or fine or both  | 14-356;<br>14-3           | Misdemeanor |
| 3. By use of explosive or incendiary device                                    |   |                           |             |
| A. To injure another person  | Imprisonment up to 15 years   | 14-50(a);<br>14-50(c)     | Felony      |
| B. To damage property  | Imprisonment up to 15 years   | 14-50(b);<br>14-50(c)     | Felony      |
| 4. To rebel against the State  | Imprisonment up to 10 years and fine up to \$5,000                                    | 14-9                      | Felony      |
| 5. By joining unlawful secret society  | Imprisonment up to 2 years or fine or both  | 14-12.3; 14-12.15; 14-3   | Misdemeanor |
| 6. To forge deeds, wills, etc.   | Imprisonment 4 months - 10 years or fine  | 14-122                    | Felony      |
| 7. To break or enter jails with intent to injure prisoners (lynching)          | Imprisonment 2-15 years and fine at least \$500                                       | 14-221                    | Felony      |
| 8. To violate Controlled Substances Laws                                       | Equivalent to substantive offense for which conspiracy is created                     | 90-98                     |             |
| 9. 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.;<br>14-3(b);<br>14-2 | Felony      |
| 10. To commit misdemeanors as to which there is no specific conspiracy statute | Imprisonment up to 2 years or fine or both  | c.1.;<br>14-3             | Misdemeanor |

## CONTEMPT OF COURT<sup>1</sup>

- |  |  |                  |             |
|--|--|------------------|-------------|
| 1. Generally                                       | Imprisonment up to 30 days<br>or fine up to \$250 or both  | 5-1(1-8);<br>5-4 | Misdemeanor |
| 2. Failing to testify after being granted immunity | Imprisonment up to 6 months<br>or fine up to \$500 or both | 5-1(9);<br>5-4   | Misdemeanor |

## CONTRIBUTING TO DELINQUENCY

See "MINORS - Contributing to delinquency"

## CONTROLLED SUBSTANCES

See "NARCOTIC AND OTHER DRUG VIOLATIONS"

## COUNTERFEITING OR UTTERING COUNTERFEIT COIN

Imprisonment 4 mos - 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"

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<sup>1</sup>Acts 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.

<sup>2</sup>This punishment limit becomes effective July 1, 1975 and it is applicable to criminal proceedings pending on that date to the extent practicable. Before that date, the punishment limits of 30 days and/or \$250 are applicable.



CRIME

DISCHARGING FIREARM INTO OCCUPIED PROPERTY

| <u>PUNISHMENT</u>                           | <u>SOURCE</u>    | <u>GRADE</u> |
|---|------------------|--------------|
| Imprisonment up to 10 years or fine or both | 14-34.1;<br>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 yrs or fine or both | 14-150;<br>14-2 | Felony |
|---|-----------------|--------|

DRIVER LICENSE OFFENSES

See "MOTOR VEHICLE LAW VIOLATIONS"

DRUNK DRIVING

See "MOTOR VEHICLE LAW VIOLATIONS - Drunk driving"

DUMPING OR LITTERING

|   |   |          |             |
|---|---|----------|-------------|
| 1. 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 |
| 2. Placing trash on public road or right-of-way               | Imprisonment up to 30 days or fine \$10-\$200 or both   | 14-399   | Misdemeanor |

EMBEZZLEMENT

|   |  |                       |        |
|---|--|-----------------------|--------|
| 1. By person in position of trust, etc.                                 | Imprisonment up to 10 years or fine or both                                | 14-90;<br>14-70; 14-2 | Felony |
| 2. Of State property  | Imprisonment not less than 20 years or fine not less than \$10,000 or both | 14-91                 | Felony |
| 3. By officials and employees of certain public or private institutions | Imprisonment up to 10 years and fine*                                      | 14-92;<br>14-2        | Felony |
| 4. By public officer of county or town                                  | Imprisonment up to 10 years or fine*                                       | 14-92;<br>14-2        | Felony |
| 5. By servant   | Imprisonment 4 months - 10 years or fine                                   | 14-74                 | Felony |

6. Other embezzlements or misapplication of funds

See 14-93 to 14-99

ESCAPE

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

1. Escape or attempted escape from state prison system<sup>2</sup>

- A. By prisoner serving for misdemeanor or those charged with misdemeanors
- B. By prisoner serving for felony or those charged with felonies
- C. By prisoner who once has been convicted for escape

|                                 |        |             |
|---------------------------------|--------|-------------|
| Imprisonment 3 months - 1 year  | 148-45 | Misdemeanor |
| Imprisonment 6 months - 2 years | 148-45 | Felony      |
| Imprisonment 6 months - 3 years | 148-45 | Felony      |

2. 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;<br>14-3 | Misdemeanor |
|--|-----------------|-------------|

3. Aiding escape

A. Aiding<sup>3</sup> or abetting--State correction system

|  |                 |             |
|--|-----------------|-------------|
| Imprisonment up to 2 years or fine or both | 148-45;<br>14-3 | Misdemeanor |
|--|-----------------|-------------|

<sup>1</sup>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.  
<sup>2</sup>Failing to return to authorities while on work release, parole, or by committed youthful offender under G.S. 148-49.1 et seq. is treated as an escape, punishable under the applicable section of G.S. 148-45.  
<sup>3</sup>Applies only 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<br>or fine or both | 14-259;<br>14-3       | Misdemeanor  |
| C. Trading with prisoners <sup>1</sup>   |   |                       |              |
| 1. Trading <sup>2</sup>  | Imprisonment up to 2 years<br>or fine or both | 14-258;<br>14-3       | Misdemeanor  |
| 2. Trading when article conveyed to<br>prisoner leads to murder, assault,<br>or escape               | Imprisonment 4-10 years*                      | 14-258;<br>14-2       | Felony       |
| EXPLOSIVE OR INCENDIARY DEVICE   |   |                       |              |
| See also "CONSPIRACY"  |   |                       |              |
| See also "LARCENY AND RECEIVING"   |   |                       |              |
| See also "RIOTS AND CIVIL DISORDERS -<br>Manufacture, sale or possession of<br>weapon of mass death" |   |                       |              |
| 1. Use of device   |   |                       |              |
| A. Wilful injury   | Imprisonment 5-30 years                       | 14-49(a);<br>14-49(c) | Felony       |
| B. Wilful property damage  | Imprisonment 5-30 years                       | 14-49(b);<br>14-49(c) | Felony       |
| C. Wilful damage to occupied property  | Imprisonment 10 yrs - life                    | 14-49.1               | Felony       |



CRIME

PUNISHMENT

SOURCE

GRADE

5. Knowingly writing worthless check<sup>1</sup>

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

6. Obtaining or attempting to obtain goods  
through false credit device<sup>2</sup>

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

14-113.1;  
14-113.6

Misdemeanor

7. 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"

FIREARM, POSSESSION BY CONVICTED FELON

Imprisonment up to 10 years  
or fine up to \$5,000

14-415.1

Felony

FORGERY

See also "FRAUD"

1. Bank notes, checks, securities

Imprisonment 4 months - 10  
years or fine

14-119

Felony

2. Uttering forged papers or endorsements

Imprisonment 4 mos - 10 yrs

14-120

Felony

3. Selling forged securities

Imprisonment 4 mos - 10 yrs

14-121

Felony

4. Deeds, wills, etc.

Imprisonment 4 mos - 10 yrs  
or fine

14-122

Felony

5. Other forgery offenses

See 14-123 to 14-125<sup>3</sup>

# FRAUD

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

See also "PERJURY"

|  |  |                            |             |
|--|--|----------------------------|-------------|
| 1. 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 |
| 2. Fraudulent credit card practices  |  |                            |             |
| A. Credit card theft <sup>4</sup>  | Imprisonment up to 3 yrs or fine up to \$3,000 or both   | 14-113.9;<br>14-113.17(b)  | Felony      |
| B. Forgery of credit card  | Imprisonment up to 3 yrs or fine up to \$3,000 or both   | 14-113.11;<br>14-113.17(b) | 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;<br>14-113.17(a) | 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;<br>14-113.17(b) | Felony      |

<sup>1</sup>If a person has been convicted three times of violating 14-107, the fourth and all subsequent offenses are punishable under 14-3 (Fine or imprisonment up to 2 years or both).

<sup>2</sup>This applies to devices other than credit cards. See also "FRAUD - Fraudulent credit card practices."

<sup>3</sup>For forgery of credit cards, see "FRAUD - Fraudulent credit card practices."

<sup>4</sup>Taking, 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).

CRIME

PUNISHMENT

GRADE

D. Criminal possession of credit card  
forgery devices

Imprisonment up to 3 yrs 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 yr or  
fine up to \$1,000 or both

14-113.15;  
14-113.17(a)

Misdemeanor

2. --if value of goods obtained exceeds  
\$500 in any 6 month period

Imprisonment up to 3 yrs or  
fine up to \$3,000 or both

14-113.15;  
14-113.17(b)

Felony

3. Fraudulent disposal of mortgaged personal  
property

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

14-114

Misdemeanor

4. Fraudulently secreting personal property sub-  
ject to lien or mortgage

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

14-115

Misdemeanor

5. 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

6. Fraudulent and deceptive advertising

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

114-117

Misdemeanor

7. 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

GAMBLING

See "LOTTERIES AND GAMBLING"

GLUE SNIFFING

See "NARCOTIC AND OTHER DRUG VIOLATIONS"

HABITUAL FELON (Being an habitual felon)

Imprisonment 20 yrs - life  
(75% of sentence must be ac-  
tively 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 - Department of Transportation"

## 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 proclamations - Superior court injunction"



CRIME

PUNISHMENT

SOURCE

GRADE

KIDNAPPING AND ABDUCTION

|  |   |               |             |
|--|---|---------------|-------------|
| 1. Kidnapping; holding for ransom; demanding ransom                      | Imprisonment up to life                                 | 14-39         | Felony      |
| 2. Abduction of child under 14   | Imprisonment up to 15 years                             | 14-41         | Felony      |
| 3. Abduction of married woman  | Imprisonment 1-10 years                                 | 14-43         | Felony      |
| 4. Transporting child outside state with intent to violate custody order | Imprisonment up to 3 years or fine or both              | 14-320.1      | Felony      |
| 5. Unlawful arrest by officer of other states <sup>1</sup>               | Imprisonment up to 6 months or fine up to \$500 or both | 14-43.1       | Misdemeanor |
| 6. False imprisonment  | Imprisonment up to 2 years or fine or both              | c 1.;<br>14-3 | Misdemeanor |

LARCENY AND RECEIVING

|   |   |                              |             |
|---|---|------------------------------|-------------|
| 1. Larceny  |   |                              |             |
| A. Of goods valued over \$200   | Imprisonment up to 10 years or fine or both | 14-70;<br>14-72(a); 14-2     | Felony      |
| B. From person  | Imprisonment up to 10 years or fine or both | 14-70; 14-72<br>(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<br>(b)(2); 14-2 | Felony      |
| D. Of explosive device  | Imprisonment up to 10 years or fine or both | 14-70; 14-72<br>(b)(3); 14-2 | Felony      |
| E. Of firearm   | Imprisonment up to 10 years or fine or both | 14-70; 14-72<br>(b)(4); 14-2 | Felony      |
| F. Of goods valued up to \$200  | Imprisonment up to 2 years or fine or both  | 14-72(a);<br>14-3(a)         | Misdemeanor |

G. Unauthorized use of conveyance:

1. Motor vehicles, motor boats, etc. Imprisonment up to 2 years or fine or both 14-72.2 Misdemeanor

2. Aircraft 14-72.2 Felony

H. Of dog

- Imprisonment up to 2 yrs or fine\* 14-84; 14-3 Misdemeanor

I. Temporary taking of horses, etc.

- Imprisonment up to 6 months or fine up to \$500 or both 14-82 Misdemeanor

J. Shoplifting

1. First offense 14-72.1(a) Misdemeanor  
Imprisonment up to 6 months or fine up to \$100 or both
2. Subsequent offense 14-72.1(b); 14-3 Misdemeanor  
Imprisonment up to 2 years or fine or both

K. Switching price tags

1. First offense 14-72.1(d) Misdemeanor  
Imprisonment up to 6 months or fine up to \$100 or both
2. Subsequent offense 14-72.1(b)(d); 14-3 Misdemeanor  
Imprisonment up to 2 yrs or fine or both

L. Credit card theft

See "FRAUD - Fraudulent credit card practices"

2. Receiving

- A. Goods valued up to \$200 known to have been larcenously or feloniously taken 14-71; 14-72 (a); 14-3(a) Misdemeanor  
Imprisonment up to 2 years or fine or both

---

<sup>1</sup>This offense becomes effective on July 1, 1975.

<sup>2</sup>Except in situations covered in C, D, E, F, and G below.

CRIME

PUNISHMENT

SOURCE

GRADE

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; 14-72(a)

Felony

C. Goods known to have been larcenously taken from the person

Imprisonment up to 10 years or fine or both

14-71; 14-71(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

14-71; 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

14-71; 14-72(b)(3); 14-72(c); 14-2

Felony

F. Of firearms known to have been larcenously taken

Imprisonment up to 10 years or fine or both

14-71; 14-72(b)(4); 14-72(c); 14-2

Felony

G. Of stolen vehicles

Imprisonment 1-5 years or fine \$500 - \$5,000 or both

20-106; 20-177

Felony

LIQUOR LAW VIOLATIONS<sup>1</sup>

1. Distilling or manufacturing intoxicating liquor

Imprisonment up to 2 years or fine or both

18A-5; 18A-56(a); 14-3

Misdemeanor

2. Second or subsequent offense of manufacturing

Imprisonment 4 months - 5 years

18A-5; 18A-56(b)

Felony

3. Possession of illegal liquor for sale

Imprisonment up to 2 years or fine or both

18A-7; 18A-56; 14-3

Misdemeanor

4. Possession of nontaxpaid intoxicating liquor

Imprisonment up to 2 years or fine or both

18A-6; 18A-56; 14-3

Misdemeanor

5. Sale to or purchase by minors

Imprisonment up to 2 years or fine or both

18A-8; 18A-56; 14-3

Misdemeanor

|     |   |  |                                  |             |
|-----|---|--|----------------------------------|-------------|
| 6.  | Drinking or offering alcoholic beverages <sup>2</sup> on public street or highway   | Imprisonment up to 2 years or fine or both | 18A-30(5)(a);<br>18A-56; 14-3    | Misdemeanor |
| 7.  | Making public display of alcoholic beverages <sup>2</sup> at athletic contest   | Imprisonment up to 2 years or fine or both | 18A-30(5)(b);<br>18A-56; 14-3(b) | Misdemeanor |
| 8.  | Transportation of alcoholic beverages <sup>2</sup> in passenger area of vehicle with seal broken  | Imprisonment up to 2 years or fine or both | 18A-26(a);<br>18A-56; 14-3       | Misdemeanor |
| 9.  | Transportation of more than one gallon of alcoholic beverages without a permit.   | Imprisonment up to 2 years or fine or both | 18A-26(a);<br>18A-56; 14-3       | Misdemeanor |
| 10. | Possessing or consuming alcoholic beverages <sup>2</sup> other than fortified wines in business establishment with no brown bag permit              | Imprisonment up to 2 years or fine or both | 18A-30(3)(4)<br>18A-56; 14-3     | Misdemeanor |
| 11. | Manufacture, sale, barter, transport, import, delivery, furnishing, purchasing or possession of intoxicating liquor except as authorized in Ch. 18A | Imprisonment up to 2 years or fine or both | 18A-3; 18A-56; 14-3              | Misdemeanor |

<sup>1</sup>G.S. 18A-21 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 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."

<sup>2</sup>Alcoholic beverages are beverages "of any and all kinds that contain more than 14% of alcohol by volume"--not beer, wine, or ale containing a lesser content. G.S. 18A-2(1).

CRIME

PUNISHMENT

SOURCE

GRADE

LITTERING

See "DUMPING OR LITTERING"

LOTTERIES AND GAMBLING<sup>1</sup>

1. Dealing in lotteries  
Imprisonment up to 6 months  
or fine up to \$2,000 or both  
14-290 or  
14-291  
Misdemeanor
2. Selling "numbers" tickets  
Imprisonment up to 2 years  
or fine or both  
14-291.1;  
14-3  
Misdemeanor
3. Operating or participating in pyramid and  
chain schemes  
Imprisonment up to 6 mos or  
fine up to \$2,000 or both  
14-291.2;  
14-290  
Misdemeanor
4. Gambling  
Imprisonment up to 2 years  
or fine or both  
14-292;  
14-3  
Misdemeanor
5. Gaming tables, illegal punch boards, slot machines  
A. Keeping  
Imprisonment not less than 30  
days<sup>2</sup> and fine not less than  
\$200  
14-295  
Misdemeanor
- B. Playing  
Fine not less than \$10<sup>2</sup>  
14-295  
Misdemeanor
6. Operating or possessing slot machine  
Imprisonment up to 2 years  
or fine or both  
14-301; 14-  
303; 14-3  
Misdemeanor

LYNCHING

See "OBSTRUCTING JUSTICE"

MAIM

See "ASSAULT"

## MANSLAUGHTER

- |                   |  |                |        |
|-------------------|--|----------------|--------|
| 1. Voluntary      | Imprisonment 4 mos - 20 yrs                    | 14-18          | Felony |
| 2. Involuntary    | Imprisonment up to 10 years<br>or fine or both | 14-18;<br>14-2 | Felony |
| 3. Second offense | Imprisonment 5-60 years                        | 14-19          | Felony |

## MAYHEM

See "ASSAULT"

## MINORS

- |                                |   |                   |             |
|--------------------------------|---|-------------------|-------------|
| 1. Contributing to delinquency | Imprisonment up to 2 years<br>or fine or both | 14-316.1;<br>14-3 | Misdemeanor |
| 2. Neglect                     | Imprisonment up to 2 years<br>or fine or both | 14-316.1;<br>14-3 | Misdemeanor |

## MORAL OFFENSES

- |                                     |  |                   |             |
|-------------------------------------|--|-------------------|-------------|
| 1. Crime against nature             | Imprisonment up to 10 years<br>or fine*                    | 14-177;<br>14-2   | Felony      |
| 2. Indecent exposure                | Imprisonment up to 6 months<br>or fine up to \$500 or both | 14-190.9          | Misdemeanor |
| 3. Obscene literature               |  |                   |             |
| A. Dissemination to minors under 16 | Imprisonment up to 2 years<br>or fine or both              | 14-190.7;<br>14-3 | Misdemeanor |
| B. Disseminating to minors under 12 | Imprisonment up to 5 years<br>and fine                     | 14-190.8          | Felony      |

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<sup>1</sup>G.S. 14-299 provides for the seizure and sale or destruction of gambling equipment used in illegal operations.

<sup>2</sup>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.

CRIME

SOURCE      GRADE

PUNISHMENT

C. Disseminating obscenity

Imprisonment up to 2 years  
or fine or both      14-190.1(a);  
14-3      Misdemeanor

D. Disseminating sexually oriented material  
to minors

Imprisonment up to 2 years or  
fine or both      14-190.10(a);  
14-3      Misdemeanor

4. Public Display of Sexually Oriented Materials

Imprisonment up to 2 years  
or fine or both      14-190.11(a);  
14-3      Misdemeanor

MORTGAGED PROPERTY, DISPOSAL

See "FRAUD"

MOTOR VEHICLE LAW VIOLATIONS<sup>1</sup>

See also "DUMPING OR LITTERING"

See also "ORDINANCE VIOLATION - Department of Transportation"

1. 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<sup>2</sup>      20-28(a)      Misdemeanor

B. Permanent revocation

Imprisonment 1-2 years<sup>3</sup>      20-28(b);  
14-3      Misdemeanor

2. Driving without license

Imprisonment up to 6 months  
or fine up to \$500      20-7(a), (o);  
20-35      Misdemeanor

3. Hit and run driving<sup>4</sup>

|                                       |  |                               |
|---------------------------------------|--|-------------------------------|
| A. Involving personal injury or death | Imprisonment 1-5 yrs or fine not less than \$500 or both | 20-166(a), (c); Felony 20-182 |
| B. Involving property damage          | Imprisonment up to 2 years or fine or both               | 20-166(b) Misdemeanor         |

4. Drunk driving<sup>5</sup> (including driving with %.10 or more blood alcohol level)

|                       |  |   |
|-----------------------|--|---|
| A. First offense      | Imprisonment 30 days - 6 mos 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 |

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<sup>1</sup>For a more complete listing of motor vehicle offenses see the 1975 Institute of Government publication entitled Punishments for Motor Vehicle Offenses, to be published after the 1975 legislative session.

<sup>2</sup>One may not apply for reinstatement of a permanently revoked license until at least three years have passed.

<sup>3</sup>The statute specified 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.

<sup>4</sup>See 20-17(4) and 20-19(f) as to revocation of license for this offense.

<sup>5</sup>See 20-17(2) and 20-19(d), (e) and (f) as to revocation of license for this offense. See also 20-179(b) as to limited driving privilege for first offenders.



| <u>CRIME</u>   | <u>PUNISHMENT</u>  | <u>SOURCE</u> | <u>GRADE</u> |
|--|--|---------------|--------------|
| 5. Reckless driving <sup>1</sup>   | Imprisonment up to 6 months<br>or fine up to \$500 or both           | 20-140(d)     | Misdemeanor  |
| 6. Motor vehicle racing  |  |               |              |
| A. Wilful racing   | Imprisonment up to 2 yrs or<br>fine not less than \$50 or both       | 20-141.3(b)   | Misdemeanor  |
| B. Wilful, prearranged racing  | Imprisonment 60 days - 2 yrs or<br>fine not less than \$500 or both* | 20-141.3(a)   | Misdemeanor  |
| 7. Tampering with vehicle  | Imprisonment up to 2 years<br>or fine or both*                       | 20-107        | Misdemeanor  |
| 8. Altering engine number or other vehicle<br>identification mark                |  |               |              |
| A. Wilful altering of numbers  | Imprisonment up to 2 years<br>or fine or both                        | 20-109(a)     | Misdemeanor  |
| B. Wilful altering of numbers with intent to<br>conceal true identity of vehicle | Imprisonment up to 5 years or<br>fine not less than \$2000 or both   | 20-109(b)     | Felony       |

#### MUNICIPAL ORDINANCE

See "ORDINANCE VIOLATION - Municipal or county"

#### MURDER

|                              |                            |       |        |
|------------------------------|----------------------------|-------|--------|
| 1. First degree              | Death                      | 14-17 | Felony |
| 2. Second degree             | Imprisonment 2 yrs to life | 14-17 | Felony |
| 3. Killing adversary in duel | Imprisonment for life      | 14-20 | Felony |

#### NARCOTIC AND OTHER DRUG VIOLATIONS<sup>2</sup>

See also "PENAL AND CHARITABLE INSTITUTIONS,  
ILLEGALLY SUPPLYING INMATES"

1. Violation of North Carolina Controlled Substances Act

|   |  |                      |             |
|---|--|----------------------|-------------|
| A. Manufacturing, selling or possessing with intent to manufacture or sell Schedule I or II controlled substances           | Imprisonment up to 10 years or fine up to \$10,000 or both | 90-95(a)(1) & (b)(1) | Felony      |
| B. Manufacturing, selling or possessing with intent to sell or manufacture Schedule III, IV, V, or VI controlled substances | Imprisonment up to 5 years or fine up to \$5,000 or both   | 90-95(a)(1) & (b)(2) | Felony      |
| C. Creating, selling, or possessing a counterfeit controlled substance with intent to sell                                  | Imprisonment up to 5 years or fine up to \$5,000 or both   | 90-95(a)(2) & (c)    | Felony      |
| D. Simple possession of a Schedule I controlled substance   | Imprisonment up to 5 years or fine up to \$5,000 or both   | 90-95(a)(3) & (d)(1) | Felony      |
| E. Simple possession of 100 or less dosage units of a Schedule II, III or IV controlled substance                           | Imprisonment up to 2 years or fine up to \$2000 or both    | 90-95(a)(3) & (d)(2) | Misdemeanor |

<sup>1</sup>See 20-16, 20-16.1, 20-17, and 20-19 as to suspension or revocation of license for this offense.

<sup>2</sup>G.S. 90-95(e) establishes certain conditions which might allow a more severe penalty to be imposed on a person convicted under 90-95 (a)(b)(c) & (d). The conditions are:

1. If the person has a prior conviction for an offense classified as a felony under the Controlled Substances Act, he may be fined or imprisoned for twice the statutory maximum upon conviction of a controlled substance felony;
2. If the person has two or more prior controlled substances felony convictions, he will be imprisoned for a minimum of 10 years to a maximum of 30, or fined up to \$30,000 or both upon conviction of another controlled substances felony;
3. If the person commits a controlled substances misdemeanor punishable by up to two years imprisonment and he has one or more prior controlled substances convictions, he is guilty of a felony and shall be sentenced for not more than five years or fined up to \$5,000 or both;
4. If the person commits a controlled substances misdemeanor punishable by up to six months imprisonment, and he has one or more prior controlled substances convictions, he shall be guilty of a misdemeanor and punished by imprisonment up to two years or a fine up to \$2,000 or both.

G.S. 90-95(f) authorizes a judge to impose a special probation on a convicted offender if the person's active jail sentence is less than the maximum allowed by statute.

<sup>3</sup>The transfer of less than 5 grams of marihuana for no remuneration is not a delivery under G.S. 90-95(b)(2).

| <u>CRIME</u>  | <u>PUNISHMENT</u>  | <u>SOURCE</u>              | <u>GRADE</u> |
|---|--|----------------------------|--------------|
| F. Simple possession of more than 100 dosage units of a Schedule II, III or IV controlled substance | Imprisonment up to 5 yrs or fine up to \$5,000 or both     | 90-95(a)(3) & (d)(2)       | Felony       |
| G. Simple possession of a Schedule V controlled substance   | Imprisonment up to 6 months or fine up to \$500 or both    | 90-95(a)(3) & (d)(3)       | Misdemeanor  |
| H. Simple possession of certain small quantities of a Schedule VI controlled substance              | Imprisonment up to 6 months or fine up to \$500 or both    | 90-95(a)(3) & (d)(4)       | Misdemeanor  |
| I. Simple possession of larger quantities of a Schedule VI controlled substance                     | Imprisonment up to 5 years or fine up to \$5,000 or both   | 90-95(a)(3) & (d)(4)       | Felony       |
| J. Delivering controlled substance to minor under 16 years of age by adult                          | Imprisonment from 5-30 yrs                                 | 90-95(a)(1) & (e)(5)       | Felony       |
| K. Continuing criminal enterprise <sup>1</sup>  |  |                            |              |
| 1. First offense  | Imprisonment from 10 years - life and fine up to \$100,000 | 90-95.1                    | Felony       |
| 2. Second offense   | Imprisonment from 20 yrs to life and fine up to \$200,000  | 90-95.1                    | Felony       |
| L. Other drug law offenses - G.S. 90-98, 90-108, 90-109, 90-113.4                                   |  |                            |              |
| 2. Violation with regard to toxic vapors  |  |                            |              |
| A. Smelling toxic vapors to cause intoxication  | Imprisonment up to 2 years or fine or both                 | 90-113.9; 90-113.12; 14-3  | Misdemeanor  |
| B. Use or possession of substance having toxic vapors for purpose of smelling to cause intoxication | Imprisonment up to 2 years or fine or both                 | 90-113.10; 90-113.12; 14-3 | Misdemeanor  |
| C. Sale of substance having toxic vapors with reasonable cause to suspect use to cause intoxication | Imprisonment up to 2 years or fine or both                 | 90-113.11; 90-113.12; 14-3 | Misdemeanor  |

#### OBSTRUCTING HIGHWAY

Imprisonment up to 30 days  
or fine up to \$200

Misdemeanor

136-91

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 "RIOTS AND CIVIL DISORDERS - Failure to disperse"

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

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

14-221

Felony

2. Resisting officers

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

14-223

Misdemeanor

#### ORDINANCE VIOLATION

1. Municipal or county

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

14-4

Misdemeanor

2. Department of Transportation traffic ordinances

Imprisonment up to 2 years  
or fine or both

136-18(5);  
14-3

Misdemeanor

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<sup>1</sup>The statute also requires forfeiture of all property used and profits made in the enterprise. Further, Subsection (d) of 90-95.1 provides that no parole or suspended sentence is allowed for persons convicted of continuing criminal enterprise.

CRIME PUNISHMENT SOURCE GRADE

PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES

Furnishing poison, narcotics, or weapons to inmates Imprisonment up to 10 yrs or fine 14-258.1 Felony

PERJURY

1. Perjury Imprisonment 4 months - 10 years and fine up to \$1,000 14-209 Felony
2. Subornation of perjury Imprisonment 4 months - 10 years and fine up to \$1,000 14-210; 14-209 Felony
3. False statement to procure benefit of insurance policy or certificate Imprisonment up to 5 yrs or fine up to \$5,000 or both 14-214 Felony

4. Other perjury offenses - G.S. 14-209; 14-216

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.

1. Forcible entry and detainer<sup>3</sup> Imprisonment up to 2 years or fine or both 14-126; 14-3 Misdemeanor
2. Trespass after being forbidden<sup>4</sup> Imprisonment up to 6 months or fine up to \$500 or both 14-134 Misdemeanor

### 3. Wilful 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

#### 4. Wilful damage to various kinds of buildings

Imprisonment up to 6 months  
or fine up to \$500 or both 14-144 Misdemeanor

### PROSTITUTION<sup>5</sup>

#### 1. First degree (2 or more violations in 1 year)

Imprisonment up to 2 yrs or  
reformatory 1-3 yrs or fine\* 14-208;  
14-3 Misdemeanor

#### 2. Second degree

Imprisonment up to 2 years  
or fine\* 14-208;  
14-3 Misdemeanor

<sup>1</sup>Compare "ARSON AND BURNING - Burning of dwelling house by occupant or owner wilfully or for fraudulent purpose."

<sup>2</sup>Many 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 Fine of \$50 or Imprisonment of 30 days (1974).

<sup>3</sup>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).

<sup>4</sup>This offense includes refusing to leave property after being asked to do so.

<sup>5</sup>Probation 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.

CRIME

PUNISHMENT

SOURCE

GRADE

RAPE

See also "ASSAULT - Felonies - Assault with intent to commit rape"

- |   |  |                       |             |
|---|--|-----------------------|-------------|
| 1. Rape - 1st degree                                | Death                                      | 14-21                 | Felony      |
| 2. Rape - 2nd degree                                | Imprisonment up to life                    | 14-21                 | Felony      |
| 3. Carnal knowledge of virginal girl from 12-16 yrs |  |                       |             |
| A. By male 18 or more                               | Imprisonment up to 10 yrs or fine*         | 14-26;<br>14-2        | Felony      |
| B. By male under 18                                 | Imprisonment up to 2 years or fine or both | 14-26;<br>14-27; 14-3 | Misdemeanor |
| 4. Carnal knowledge by female of boy under 16       | Imprisonment up to 2 years or fine*        | 14-26;<br>14-3        | Misdemeanor |

RECKLESS DRIVING

See "MOTOR VEHICLE LAW VIOLATIONS"

RECORD AND TAPE PIRACY<sup>1</sup>

- |   |   |                   |        |
|---|---|-------------------|--------|
| 1. Recording without owner's consent, or manufacturing, wholesaling, or distributing pirated tapes or records | Imprisonment up to 6 months or fine up to \$500 or both | 14-433;<br>14-437 | Felony |
| 2. Retailing pirated tapes or records   | Imprisonment up to 6 months or fine up to \$500 or both | 14-434;<br>14-437 | Felony |

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.;<br>14-3 | Misdemeanor |
|---|--|---------------|-------------|

# RIOTS AND CIVIL DISORDERS

## 1. Riot

|  |  |                             |             |
|--|--|-----------------------------|-------------|
| A. Engaging in riot  | Imprisonment up to 2 years<br>or fine or both                | 14-288.2(b);<br>14-3(a)     | Misdemeanor |
| B. Engaging in riot - more than \$1,500 property damage or serious injury resulting  | Imprisonment up to 5 years<br>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<br>or fine up to \$10,000 or both | 14-288.2(c)                 | Felony      |
| D. Inciting to riot  | Imprisonment up to 2 years<br>or fine or both                | 14-288.2(d);<br>14-3(a)     | Misdemeanor |
| E. Inciting to riot - more than \$1,500 property damages or serious injury resulting | Imprisonment up to 10 years<br>or fine or both               | 14-288.2(e);<br>14-2        | Felony      |
| 2. Disorderly conduct  | Imprisonment up to 6 months<br>or fine up to \$500           | 14-288.4(b)                 | Misdemeanor |
| 3. Disorderly conduct in or injury to public building or facility                    | Imprisonment up to 6 months<br>or fine up to \$500 or both   | 14-132                      | Misdemeanor |
| 4. Blocking ingress or egress of public buildings                                    | Imprisonment up to 6 months<br>or fine up to \$500 or both   | 14-132.1                    | Misdemeanor |
| 5. Sitting or lying upon highways or streets <sup>2</sup>                            | Imprisonment up to 6 months<br>or fine up to \$500 or both   | 20-174.1(a);<br>20-174.1(b) | Misdemeanor |
| 6. Failure to disperse   | Imprisonment up to 6 months<br>or fine up to \$500           | 14-288.5(b)                 | Misdemeanor |

<sup>1</sup>G.S. 14-436 provides the owner of a recorded device whose work is the subject of a violation of 14-433 or 14-434 with a civil action; in addition to any criminal penalty authorized.

<sup>2</sup>See also "OBSTRUCTING HIGHWAY."



| <u>CRIME</u>  | <u>PUNISHMENT</u>                                       | <u>SOURCE</u>           | <u>GRADE</u> |
|---|---|-------------------------|--------------|
| 7. Trespass during emergency  | Imprisonment up to 2 yrs or fine or both                | 14-288.6(a); 14-3(a)    | Misdemeanor  |
| 8. Looting  | Imprisonment up to 5 yrs or fine up to \$10,000 or both | 14-288.6(b)             | Felony       |
| 9. 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  |
| 10. Manufacture, sale, possession, etc., or weapon of mass death or destruction | Imprisonment up to 2 years or fine or both              | 14-288.8(a)(d); 14-3(a) | Misdemeanor  |
| 11. Assault on emergency personnel  |   |                         |              |
| A. Without use of dangerous weapon or substance                                 | Imprisonment up to 2 yrs or fine or both                | 14-288.9(c); 14-3(a)    | Misdemeanor  |
| B. With dangerous weapon or substance   | Imprisonment up to 5 yrs or fine up to \$10,000 or both | 14-288.9(c)             | Felony       |
| 12. Violation of emergency proclamations  |   |                         |              |
| A. Issues pursuant to municipal ordinance                                       | Imprisonment up to 30 days or fine up to \$50           | 14-288.12(e); 14-4      | Misdemeanor  |
| B. Issues 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  |
| 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"

- |   |   |            |        |
|---|---|------------|--------|
| 1. Robbery (common law and highway robbery)   | Imprisonment up to 10 years or fine or both | c.1.; 14-2 | Felony |
| 2. Robbery with firearms or dangerous weapons | Imprisonment 5-30 years                     | 14-87      | Felony |
| SAFECRACKING                                  |   |            |        |
|   | Imprisonment 2-30 years                     | 14-89.1    | Felony |

See also "ATTEMPT - Attempted safecracking"

## SECRET SOCIETIES AND ACTIVITIES

- |  |                                     |                          |             |
|--|-------------------------------------|--------------------------|-------------|
| 1. Forming or joining certain secret societies   | Imprisonment up to 2 years or fine* | 14-12.3; 14-12.15; 14-3  | Misdemeanor |
| 2. Wearing of masks, hoods, etc., on public ways   | Imprisonment up to 2 years or fine* | 14-12.7; 14-12.15; 14-3  | Misdemeanor |
| 3. Wearing of masks, hoods, etc., on public property   | Imprisonment up to 2 years or fine* | 14-12.8; 14-12.15; 14-3  | Misdemeanor |
| 4. 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 |
| 5. Holding meetings or demonstrations while wearing masks without written permission of property owner | Imprisonment up to 2 years or fine* | 14-12.10; 14-12.15; 14-3 | Misdemeanor |

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

| <u>CRIME</u>   | <u>PUNISHMENT</u>                          | <u>SOURCE</u>               | <u>GRADE</u> |
|--|--|-----------------------------|--------------|
| 6. 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  |
| 7. 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       |
| 8. Placing exhibit while wearing mask with intention of intimidation, etc.                         | Imprisonment 1-5 years                     | 14-12.14; 14-12.15          | Felony       |
| SEDUCTION  | Imprisonment up to 5 years or fine         | 14-180                      | Felony       |
| SLOT MACHINES  |  |                             |              |
| See "LOTTERIES AND GAMBLING"   |  |                             |              |
| SOLICITATION TO COMMIT FELONY  | Imprisonment up to 2 years or fine or both | c.1.; 14-3                  | Misdemeanor  |

#### SUBORNATION OF PERJURY

See "PERJURY - Subornation of perjury"

#### TAPE PIRACY

See "RECORD AND TAPE PIRACY"

TOWN ORDINANCE

See "ORDINANCE VIOLATION - Municipal or county"

TRANSPORTATION, DEPARTMENT OF

See "ORDINANCE VIOLATION - Department of Transportation"

TRESPASS

See "PROPERTY, VIOLATIONS AGAINST"

VAGRANCY

VEHICLE OFFENSES

See "MOTOR VEHICLE LAW VIOLATIONS"

WORTHLESS CHECK

See "FALSE PRETENSES AND CHEATS"

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<sup>1</sup>Compare this offense with G.S. 14-12.13, which carries the same punishment. This section is similar to the one above, except it deletes the mask-wearing element.

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