

78.23

C.4

Permanent File Copy

not to be taken
from Library

Punishment Chart for Crimes

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

1978

RECEIVED

MAY 16 1978

INSTITUTE OF GOVERNMENT
UNIVERSITY OF NORTH CAROLINA

INSTITUTE OF GOVERNMENT
University of North Carolina at Chapel Hill

INSTITUTE OF GOVERNMENT
The University of North Carolina at Chapel Hill

Henry W. Lewis, Director

Faculty

Rebecca S. Ballentine
Grainger R. Barrett
Joan G. Brannon
William A. Campbell
Stevens H. Clarke
Michael Crowell
Bonnie E. Davis
Anne M. Dellinger
James C. Drennan
Richard D. Ducker
Robert L. Farb
Joseph S. Ferrell
Philip P. Green, Jr.
Donald B. Hayman
Milton S. Heath, Jr.
C. E. Hinsdale
Dorothy J. Kiester
David M. Lawrence
Charles D. Liner
Ben F. Loeb, Jr.
Ronald G. Lynch
Richard R. McMahon
Elmer R. Oettinger
Robert E. Phay
M. Patrice Solberg
Mason P. Thomas, Jr.
H. Rutherford Turnbull, III
A. John Vogt
L. Poindexter Watts
Warren J. Wicker

Punishment Chart for Crimes

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

compiled by

James C. Drennan

1978

INSTITUTE OF GOVERNMENT

University of North Carolina at Chapel Hill

INTRODUCTION

This chart is the Institute of Government's fifth 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; 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 1977 General Assembly. Some motor vehicle offenses are included, but one should 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. Both of these publications are available from the Institute of Government.

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 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

1. The statute 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.

2. 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. Most statutes provide for "fine or imprisonment or both in the discretion of the court" (emphasis added).

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,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 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. Here also the asterisk denotes 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 set out in G.S. 14-2 or G.S. 14-3. 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 the maximum punishment permissible for violation of G.S. 20-174.1⁵ did not apply G.S. 20-176 (the general penalty limitation for Chapter 20,

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

4. 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.

5. Subsequent to the commencement of the Spencer case the 1969 General Assembly rewrote G.S. 20-174.1.

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."⁶ 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
March 1978

6. 276 N.C. 535 at 549. Emphasis in original.

INDEX TO CRIMES AND PUNISHMENTS

- ABANDONMENT AND NONSUPPORT
- ABDUCTION. See Kidnapping and Abduction.
- ABORTION AND RELATED OFFENSES
- ACCESSORY TO FELONY
- AFFRAY. See Assault.
- ARSON AND BURNING. See also Attempt--
Attempt to commit arson or other
unlawful burnings.
- ASSAULT
- ATTEMPT
- BAD CHECK. See False Pretenses and
Cheats.
- BASTARDY (nonsupport by parents of
illegitimate child under 18)
- BIGAMY (and bigamous cohabitation)
- BLACKMAILING. See Fraud.
- BOMBS. See Explosive or Incendiary
Device.
- BRIBERY
- BURGLARY AND OTHER BREAKING. See
also Obstructing Justice.
- BURNING CROPS. See Arson and Burn-
ing--Burning another's crops.
- CASTRATION. See Assault--Felonies--
Malicious castration.
- CHECK, WORTHLESS. See False Pretenses
and Cheats.
- CITY ORDINANCE. See Ordinance Viola-
tion--Municipal or county.
- COMMUNICATING THREATS
- COMPOUNDING A FELONY
- CONCEALED WEAPON, CARRYING
- CONCEALING BIRTH OF A CHILD
- CONSPIRACY
- CONTEMPT OF COURT
- CONTRIBUTING TO DELINQUENCY. See
Minors--Contributing to de-
linquency.
- CONTROLLED SUBSTANCES. See Narcotic
and Other Drug Violations.
- COUNTERFEITING OR UTTERING
COUNTERFEIT COIN
- COUNTY ORDINANCE. See Ordinance Vio-
lation--Municipal or county.
- CRIME AGAINST NATURE. See Morals
Offenses.
- DELINQUENCY. See Minors--Contrib-
uting to delinquency.
- DISCHARGING FIREARM INTO OCCUPIED
PROPERTY
- DISORDERLY CONDUCT
- DISTURBING GRAVES
- DRIVER LICENSE OFFENSES. See Mo-
tor Vehicle Law Violations.
- DRUNK DRIVING. See Motor Vehicle
Law Violations--Drunk driving.
- DUMPING OR LITTERING
- EMBEZZLEMENT
- ESCAPE
- 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.

EXTORTION

FALSE IMPRISONMENT. See Kidnapping and Abduction.

FALSE PRETENSES AND CHEATS. See also Fraud.

FELON, BEING AN HABITUAL. See Habitual Felon.

FIREARM, POSSESSION BY CONVICTED FELON

FORGERY. See also Fraud.

FRAUD. See also Arson and Burning--
Burning of dwelling house by occupant or owner wilfully 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)

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 with Glass, etc.
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.

KIDNAPPING AND ABDUCTION

LARCENY AND RECEIVING

LIQUOR LAW VIOLATIONS

LITTERING. See Dumping or Littering.

LOTTERIES AND GAMBLING

LYNCHING. See Obstructing Justice.

MAIM. See Assault.

MANSLAUGHTER

MAYHEM. See Assault.

MINORS

MORAL OFFENSES

MORTGAGED PROPERTY, DISPOSAL. See Fraud.

MOTOR VEHICLE LAW VIOLATIONS. See also Dumping or Littering.
See also Ordinance Violation--Department of Transportation.

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

MURDER

NARCOTIC AND OTHER DRUG VIOLATIONS.
See also Penal and Charitable Institutions, Illegally Supplying Inmates.

OBSTRUCTING HIGHWAY WITH GLASS, ETC.
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.

ORDINANCE VIOLATION

PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES

PERJURY

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 speci-
fic offenses.

VEHICLE OFFENSES. See Motor Vehicle
Law Violations.

WORTHLESS CHECK. See False Pretenses
and Cheats.

PROSTITUTION

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

RECKLESS DRIVING. See Motor Vehicle Law
Violations.

RECORD AND TAPE PIRACY

RESISTING ARREST. See Obstructing Justice.

RIDING OR GOING ABOUT ARMED TO TERROR OF
PEOPLE

RIOTS AND CIVIL DISORDERS

ROBBERY. See also Attempt--Attempted rob-
bery with firearms.

SAFECRACKING. See also Attempt--Attempted
safecracking.

SECRET SOCIETIES AND ACTIVITIES

SEDUCTION

SLOT MACHINES. See Lotteries and Gambling.

SOLICITATION TO COMMIT FELONY

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 Ordi-
nance Violation--Department of Trans-
portation.

TRESPASS. See Property, Violations Against.

VAGRANCY

TABLE OF STATUTES

This table lists the numbers of the General Statutes included in this chart. 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> |
|--------------------|---------------|--------------------|-------------|
| 5A-4 | 12 | 14-43.1 | 21 |
| 5A-11 | 12 | 14-44 | 3 |
| 5A-12 | 12 | 14-45 | 3 |
| 14-2 | <u>passim</u> | 14-46 | 11 |
| 14-3 | <u>passim</u> | 14-49 | 16 |
| 14-4 | 32 | | |
| | | 14-49.1 | 16 |
| 14-6 | 3 | 14-50 | 11 |
| 14-7 | 3 | 14-51 | 9 |
| 14-7.6 | 20 | 14-52 | 9 |
| 14-9 | 11 | 14-53 | 9 |
| 14-12.3 | 12, 38 | | |
| | | 14-54 | 9 |
| 14-12.7 | 38 | 14-55 | 9 |
| 14-12.8 | 38 | 14-56 | 10 |
| 14-12.9 | 38 | 14-56.1 | 10 |
| 14-12.10 | 38 | 14-56.2 | 10 |
| 14-12.12 | 38 | | |
| | | 14-57 | 10 |
| 14-12.14 | 39 | 14-58 | 4 |
| 14-12.15 | 12, 38, 39 | 14-58.2 | 4 |
| 14-13 | 13 | 14-59 | 4 |
| 14-17 | 30 | 14-60 | 3, 4 |
| 14-18 | 26 | | |
| | | 14-62 | 3, 4 |
| 14-19 | 26 | 14-62.1 | 4 |
| 14-20 | 30 | 14-65 | 3, 4 |
| 14-21 | 34 | 14-66 | 3, 4 |
| 14-22 | 6 | 14-67 | 6 |
| 14-26 | 35 | | |
| | | 14-69.2 | 16 |
| 14-27 | 35 | 14-70 | 14, 22 |
| 14-28 | 6 | 14-71 | 23 |
| 14-29 | 6 | 14-71.1 | 24 |
| 14-30 | 6 | 14-72 | 22, 23, 24 |
| 14-30.1 | 6 | | |
| | | 14-72.1 | 22, 23 |
| 14-31 | 6 | 14-72.2 | 22 |
| 14-32 | 5, 6 | 14-74 | 14 |
| 14-33 | 5 | 14-82 | 22 |
| 14-34 | 5 | 14-84 | 22 |
| 14-34.1 | 13 | | |
| | | 14-87 | 6, 38 |
| 14-34.2 | 5 | 14-89.1 | 6, 38 |
| 14-39 | 21 | 14-90 | 14 |
| 14-41 | 11, 21 | 14-91 | 14 |
| 14-42 | 11 | 14-92 | 14 |

| <u>G.S. Number</u> | <u>Page</u> | <u>G.S. Number</u> | <u>Page</u> |
|--------------------|-------------|--------------------|-------------|
| 14-100 | 16 | 14-208 | 34 |
| 14-101 | 16 | 14-209 | 33 |
| 14-104 | 17 | 14-210 | 33 |
| 14-106 | 17 | 14-214 | 33 |
| 14-107 | 17 | 14-217 | 8 |
| 14-113.1 | 17 | 14-218 | 9 |
| 14-113.4 | 17 | 14-219 | 9 |
| 14-113.6 | 17 | 14-220 | 9 |
| 14-113.9 | 18 | 14-221 | 12, 32 |
| 14-113.11 | 18 | 14-223 | 32 |
| 14-113.13 | 19 | 14-226.1 | 37 |
| 14-113.14 | 19 | 14-255 | 15 |
| 14-113.15 | 19 | 14-256 | 15 |
| 14-113.17 | 18, 19 | 14-258 | 15 |
| 14-114 | 19 | 14-258.1 | 33 |
| 14-115 | 19 | 14-259 | 15 |
| 14-117 | 19 | 14-69 | 11 |
| 14-118 | 8 | 14-277.1 | 10 |
| 14-118.1 | 18 | 14-288.2 | 36 |
| 14-118.2 | 19 | 14-288.4 | 13, 36 |
| 14-118.3 | 19 | 14-288.5 | 37 |
| 14-118.4 | 16 | 14-288.6 | 37 |
| 14-119 | 18 | 14-288.8 | 37 |
| 14-120 | 18 | 14-288.9 | 5, 37 |
| 14-121 | 18 | 14-288.12 | 37 |
| 14-122 | 12, 18 | 14-288.13 | 37 |
| 14-126 | 34 | 14-288.14 | 37 |
| 14-127 | 34 | 14-288.15 | 37 |
| 14-132 | 36 | 14-288.16 | 37 |
| 14-132.1 | 36 | 14-288.19 | 37 |
| 14-134 | 34 | 14-290 | 25, 26 |
| 14-141 | 4 | 14-291 | 25 |
| 14-144 | 34 | 14-291.1 | 26 |
| 14-150 | 13 | 14-291.2 | 26 |
| 14-160 | 34 | 14-292 | 26 |
| 14-174.1 | 37 | 14-295 | 26 |
| 14-177 | 27 | 14-301 | 26 |
| 14-180 | 40 | 14-303 | 26 |
| 14-183 | 8 | 14-316.1 | 27 |
| 14-190.1 | 27 | 14-320.1 | 21 |
| 14-190.7 | 27 | 14-322 | 2 |
| 14-190.8 | 27 | 14-322.1 | 2 |
| 14-190.9 | 27 | 14-325 | 2 |
| 14-190.10 | 27 | 14-326 | 2 |
| 14-190.11 | 27 | 14-326.1 | 2 |
| | | 14-356 | 11 |

| <u>G.S. Number</u> | <u>Page</u> |
|--------------------|-------------|
| 14-399 | 25 |
| 14-415.1 | 18 |
| 14-433 | 35 |
| 14-434 | 35 |
| 14-437 | 35 |
| 18A | 24 |
| 18A-7 | 24 |
| 18A-6 | 25 |
| 18A-8 | 25 |
| 18A-26 | 25 |
| 18A-30 | 25 |
| 18A-56 | 24, 25 |
| 20-7 | 28 |
| 20-28 | 28 |
| 20-35 | 28 |
| 20-106 | 28 |
| 20-106 | 23, 24 |
| 20-107 | 29 |
| 20-109 | 29 |
| 20-138 | 28 |
| 20-139 | 28 |
| 20-140 | 29 |
| 20-141.3 | 29 |
| 20-166 | 28 |
| 20-174.1 | 36 |
| 20-179 | 28 |
| 20-177 | 23, 24 |
| 20-182 | 28 |
| 49-2 | 8 |
| 49-8 | 8 |
| 90-95 | 30, 31 |
| 90-95.1 | 31 |
| 90-98 | 6, 12 |
| 90-113.9 | 32 |
| 90-113.10 | 32 |
| 90-113.11 | 32 |
| 90-113.12 | 32 |
| 136-18 | 33 |
| 136-91 | 32 |
| 148-45 | 14, 15 |

PUNISHMENT CHART

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|--|---|-------------------|--------------|
| ABANDONMENT AND NONSUPPORT | | | |
| 1. Abandonment of wife by husband or of child by either parent | | | |
| A. First offense | Imprisonment up to 6 months or fine up to \$500 or both | 14-322 | Misdemeanor |
| B. Subsequent offense | Imprisonment up to 2 years or fine or both | 14-322 | Misdemeanor |
| 2. Nonsupport of child by either parent | | | |
| A. First offense | Imprisonment up to 6 months or fine up to \$500 or both | 14-322 | Misdemeanor |
| B. Subsequent offense | Imprisonment up to 2 years or fine 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 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 |
| 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 14-44 Felony Imprisonment 1-10 years and fine
2. Using drugs or instruments to produce miscarriage or injure pregnant woman 14-45 Felony Imprisonment 1-5 years and fine

ACCESSORY TO FELONY²

1. Before fact to:
 - A. Murder 14-6 Felony Imprisonment for life
 - B. Arson³ 14-6 Felony Imprisonment for life
 - C. Rape 14-6 Felony Imprisonment for life
 - D. Burglary 14-6 Felony Imprisonment for life
 - E. Stealing horse, mule, etc. 14-6 Felony Imprisonment 5-20 years
 - F. Any other felony 14-6 Felony Imprisonment up to 10 years or fine
2. After the fact⁴ 14-7 Felony Imprisonment 4 months - 10 years and fine

¹ May be in county jail to be hired out with wages to be used for family's support.

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

³ 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.

⁴ Note that a receiver of stolen goods is not necessarily an accessory.

CRIMEPUNISHMENTSOURCE GRADE

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 14-58 | Felony |
| 3. Burning governmental buildings | Imprisonment 2-30 years and fine | 14-59 | Felony |
| 4. Burning school buildings | Imprisonment 2-30 years and fine | 14-60 | Felony |
| 5. Burning personal property | Imprisonment 4 months - 10 years and fine | 14-66 | Felony |
| 6. Setting fire to churches and other buildings | Imprisonment 2-30 years and fine | 14-62 | Felony |
| 7. Burning of dwelling house by occupant or owner wilfully or for fraudulent purpose | Imprisonment 4 months - 10 years and fine | 14-65 | Felony |
| 8. Burning of building or structure in process of construction | Imprisonment 2-30 years and fine | 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 injury upon another person | Imprisonment up to 2 years or fine or both | 14-33(b)(1) | Misdemeanor |
| C. Assault with deadly weapon | Imprisonment up to 2 years 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 years 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 years 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 |
| C. Assault with a firearm or other deadly weapon 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 |

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|--|--|---------------|--------------|
| 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 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 | | | |
| 1. Attempt to commit arson or other unlawful burnings. ² | Imprisonment 4 months - 10 years and fine | 14-67 | Felony |
| 2. Assault with intent to rape | Imprisonment 1-15 years | 14-22 | Felony |
| 3. Attempted robbery with firearms or other dangerous weapon | Imprisonment 7 years - life ³ | 14-87 | Felony |
| 4. Attempted safecracking | Imprisonment 2-30 years | 14-89.1 | Felony |
| 5. Attempt to violate controlled substances laws | Equivalent to punishment for offense attempted | 90-98 | ---- |
| 6. Attempted escape | | | |

See "ESCAPE"

7. Other attempts not covered by specific statute

See heading for particular offense

| | | | |
|--|---|--------------------------|-------------|
| 8. 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 |
| 9. 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 |
| 10. Attempts to commit common law robbery | Imprisonment up to 10 years or fine or both (an infamous misdemeanor escalated by 14-3) | c.1.; 14-3(b) 14-2 | Felony |
| 11. Attempt to commit a misdemeanor not specifically punished in some statute | Imprisonment up to 2 years or fine or both | c.1.; 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.; 14-2 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.; 14-3 | Misdemeanor |

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).

²G.S. 14-67.1 provides the same punishment for attempted burning of any other type of building not otherwise covered in G.S. Ch. 14, Art. 15.

³The seven-year minimum must be served without benefit of parole or suspended sentences, and must run consecutively to any other sentence being served.

⁴If 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> |
|--|--|-----------------|--------------------------|
| BAD CHECK | | | |
| See "FALSE PRETENSES AND CHEATS" | | | |
| 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 |
| BLACKMAILING | | | |
| See "FRAUD" | Imprisonment up to 2 years or fine or both | 14-118; 14-3 | Misdemeanor ² |
| 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 months - 10 years | 14-220 | Felony |
| 4. | Offering a bribe | Imprisonment 1-5 years | 14-218 | Felony |

BURGLARY AND OTHER BREAKING

For breaking and entering jail, see "OBSTRUCTING JUSTICE"

- | | | | | |
|----|---|---|------------------|--------|
| 1. | First degree burglary ³ | Imprisonment for life | 14-51; 14-52 | Felony |
| 2. | Second degree burglary ⁴ | Imprisonment 7 years to life | 14-51; 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) 14-2 | Felony |
| 4. | Preparation to commit burglary ⁵ | Imprisonment up to 10 years or fine or both | 14-55; 14-2 | Felony |

¹In 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.

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

³In certain circumstances includes the offense of breaking out of dwelling house at night. See G.S. 14-53.

⁴The seven-year minimum must be served without benefit of parole or suspended sentence, and must run consecutively to other offenses being served by the defendant.

⁵Includes possession of burglar's tools.

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|---|--|------------------------------------|---------------------------|
| 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 ² | Imprisonment 7 years to life | 14-57; 14-52 | Felony |
| 7. Breaking or entering building | Imprisonment up to 2 years or fine or both | 14-54(b); 14-3(a) | Misdemeanor |
| 8. Breaking into coin- or currency-operated machines | First offense: Imprisonment up to 2 years or fine or both Subsequent offense: Imprisonment up to 10 years or fine or both | 14-56.1 14-3 14-56.1 14-2 | Misdemeanor Felony |
| 9. Damaging coin- or currency-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" | | | |
| COMMUNICATING THREATS | 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 14-2 | Felony |
| 2. Aiding or abetting | Imprisonment up to 2 years or fine or both | 14-46 14-3 | Misdemeanor |
| CONSPIRACY | | | |
| 1. To abduct children | Imprisonment up to 15 years or fine | 14-42 14-41 | Felony |
| 2. To blacklist employees | Imprisonment up to 2 years or fine or both | 14-356; 14-3 | Misdemeanor |
| 3. 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 |
| 4. To rebel against the State | Imprisonment up to 10 years and fine up to \$5,000 | 14-9 | Felony |

¹Includes the offense of breaking out after committing felony or larceny.

²The seven-year minimum must be served without benefit of parole or suspended sentence, and must run consecutively to other offenses being served by the defendant.

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|--|---|-------------------------|--------------|
| 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 for 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(b); 14-2 | Felony |
| 10. To commit misdemeanors for which there is no specific conspiracy statute | Imprisonment up to 2 years or fine or both | c.1.; 14-3 | Misdemeanor |

CRIMINAL CONTEMPT OF COURT

| | | | |
|---|---|---------------------|-------------|
| 1. Generally | Censure, imprisonment up to 30 days or fine up to \$500 or any combination | 5A-11; 5-A-12 | Misdemeanor |
| 2. Failing to testify after being granted immunity | Censure, imprisonment up to 6 months or fine up to \$500 or any combination | 5A-11(8); 5A-12 5-4 | Misdemeanor |
| 3. Failing to comply with nontestimonial identification order | Censure, imprisonment up to 90 days or fine up to \$500 or any combination | 5A-12 | Misdemeanor |

CONTRIBUTING TO DELINQUENCY

See "MINORS - Contributing to delinquency"

CONTROLLED SUBSTANCES

See "NARCOTIC AND OTHER DRUG VIOLATIONS"

COUNTERFEITING OR UTTERING COUNTERFEIT COIN

Imprisonment 4 months - 14-13
10 years Felony

COUNTY ORDINANCE

See "ORDINANCE VIOLATION - Municipal or county"

CRIME AGAINST NATURE

See "MORALS OFFENSES"

DELINQUENCY

See "MINORS - Contributing to delinquency"

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"

DRUNK DRIVING

See "MOTOR VEHICLE LAW VIOLATIONS - Drunk driving"

CRIMEPUNISHMENTSOURCE GRADE

DUMPING

See "LITTERING"

EMBEZZLEMENT

- | | | | |
|--|--|-----------------------|--------|
| 1. By person in position of trust, etc. | Imprisonment up to 10 years or fine or both | 14-90; 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; 14-2 | Felony |
| 4. By public officer of county or town | Imprisonment up to 10 years or fine or both | 14-92; 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.)

- | | | | |
|--|------------------------------------|--------|-------------|
| 1. Escape or attempted escape from state prison system | | | |
| A. By prisoner serving for misdemeanor or those charged with misdemeanors | Imprisonment 3 months - 1 year | 148-45 | Misdemeanor |
| B. By prisoner serving for felony or those charged with felonies | 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 |

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;
14-3
Misdemeanor

3. Aiding escape

A. Aiding² or abetting--State correction
system³
Imprisonment up to 2 years
or fine or both
148-45;
14-3
Misdemeanor

B. Aiding escaped prisoners

1. When prisoner was felon
Imprisonment up to 5 years
14-259
Felony

2. When prisoner was misdemeanor
Imprisonment up to 2 years
or fine or both
14-259;
14-3
Misdemeanor

C. Trading with prisoners³

1. Trading⁴
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

*See Introduction.

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 and larceny.

²Failing to return to authorities while on work release, parole, or by committed youthful offender is treated as an escape, punishable under the applicable section of G.S. 148-45.

³As to conveying certain prohibited articles to prisoners and inmates of institutions, see also "PENAL AND CHARITABLE INSTITUTIONS--ILLEGALLY SUPPLYING INMATES."

⁴"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.

CRIMEPUNISHMENTSOURCEGRADE

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"

1. Use of device

A. Wilful injury to a person

Imprisonment 5-30 years

14-49(a);
14-49(c) Felony

B. Wilful property damage

Imprisonment 5-30 years

14-49(b);
14-49(c) Felony

C. Wilful damage to occupied property

Imprisonment 10 years - life

14-49.1 Felony

2. Bomb hoax

Imprisonment up to 2 years
or fine or both14-69.2;
14-3 MisdemeanorEXTORTION¹Imprisonment up to 10 years
or fine or both14-118.4;
14-2 Felony

FALSE IMPRISONMENT

See "KIDNAPPING AND ABDUCTION"

FALSE PRETENSES AND CHEATS

See also "FRAUD"

1. Obtaining property by false pretenses

Imprisonment 4 months - 10
years and fine

14-100 Felony

2. Obtaining signatures by false pretenses

Imprisonment 1-5 years or
fine \$100 to \$1,000 or both

14-101

Felony

| | | | | |
|----|---|---|-----------------------|-------------|
| 3. | Obtaining advances under promise to work | Imprisonment up to 30 days or fine up to \$50 | 14-104 | Misdemeanor |
| 4. | Obtaining property for worthless check | Imprisonment up to 2 years or fine or both | 14-106; 14-3 | Misdemeanor |
| 5. | Knowingly writing worthless check ² | | | |
| | 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 |
| | C. Check written on nonexistent account | Imprisonment up to 2 years or fine up to \$1,000 or both | 14-107 | Misdemeanor |
| | D. Check written on previously closed account | Imprisonment up to 5 months or fine up to \$400 or both | 14-107 | Misdemeanor |
| 6. | Obtaining or attempting to obtain goods through false credit number or device ³ | 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"

¹Extortion is also a crime at common law, although a necessary element of that offense is that the offender be a public official acting under color of his office. See State v. Cansler, 75 N.C. 442 (1876) and State v. Pritchard, 107 N.C. 921 (1890).

²If 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).

³This applies to devices other than credit cards. See also "FRAUD - Fraudulent credit card practices."

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|--|---|----------------------------|--------------|
| FIREARM, POSSESSION BY CONVICTED FELON | Imprisonment up to 5 years or fine up to \$5,000 or both | 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 months - 10 years | 14-120 | Felony |
| 3. Selling forged securities | Imprisonment 4 months - 10 years | 14-121 | Felony |
| 4. Deeds, wills, etc. | Imprisonment 4 months - 10 years or fine | 14-122 | Felony |
| 5. Other forgery offenses | | | |
| See 14-123 to 14-125 ¹ | | | |
| FRAUD | | | |
| See also "ARSON AND BURNING - Burning of dwelling house by occupant or owner wilfully or for fraud- ulent 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 ² | 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 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;
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;
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
14-113.15;
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
14-113.15;
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 subject 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

¹For forgery of credit cards see "FRAUD - Fraudulent credit card practices."

²Taking, 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> |
|--|---|---------------|--------------|
| GAMBLING | | | |
| See "LOTTERIES AND GAMBLING" | | | |
| GLUE SNIFFING | | | |
| See "NARCOTIC AND OTHER DRUG VIOLATIONS" | | | |
| HABITUAL FELON (Being a 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 - 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"

KIDNAPPING AND ABDUCTION

- | | | | |
|--|---|------------|-------------|
| 1. Kidnapping | Imprisonment up to 25 years or fine up to \$10,000 or both | 14-39 | Felony |
| 2. Kidnapping when victim not released in safe place or is sexually assaulted or seriously injured | Imprisonment 25 years to life | 14-39 | Felony |
| 3. Kidnapping by corporation | Fine from \$5,000 to \$100,000 and loss of right to do business in North Carolina | 14-39 | Felony |
| 4. Abduction of child under 14 | Imprisonment up to 15 years | 14-41 | Felony |
| 5. Abduction of married woman | Imprisonment 1-10 years | 14-43 | Felony |
| 6. Transporting child outside state with intent to violate custody order | Imprisonment up to 3 years or fine or both | 14-320.1 | Felony |
| 7. Unlawful arrest by officer of other states | Imprisonment up to 6 months or fine up to \$500 or both | 14-43.1 | Misdemeanor |
| 8. False imprisonment | Imprisonment up to 2 years or fine or both | c.l.; 14-3 | Misdemeanor |

LARCENY AND RECEIVING

1. Larceny

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|---|--|------------------------------|--------------|
| A. Of goods valued over \$200 | Imprisonment up to 10 years or fine or both | 14-70; 14-72(a); 14-2 | 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 firearm | Imprisonment up to 10 years or fine or both | 14-70; 14-72 (b)(4); 14-2 | Felony |
| F. Of paper or record in custody of State Department of Archives | Imprisonment up to 10 years or fine or both | 14-70; 14-72 (b)(5); 14-2 | Felony |
| G. Of goods valued up to \$200 | Imprisonment up to 2 years or fine or both | 14-72(a); 14-3(a) | Misdemeanor |
| H. 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 | Imprisonment up to 5 years or fine or both | 14-72.2 | Felony |
| I. Of dog | Imprisonment up to 2 yrs or fine* | 14-84; 14-3 | Misdemeanor |
| J. Temporary taking of horses, etc. | Imprisonment up to 6 months or fine up to \$500 or both | 14-82 | Misdemeanor |
| K. Shoplifting 1. First offense | Imprisonment up to 6 months or fine up to \$100 or both | 14-72.1(a) | Misdemeanor |
| 2. Subsequent offense | Imprisonment up to 2 years or fine or both | 14-72.1(a) (b); 14-3 | Misdemeanor |

| | | | | |
|----|--|---|-------------------------------|-------------|
| L. | Switching price tags | | | |
| 1. | First offense | Imprisonment up to 6 months or fine up to \$100 or both | 14-72.1(d) | Misdemeanor |
| 2. | Subsequent offense | Imprisonment up to 2 years or fine or both | 14-72.1(b), (d); 14-3 | Misdemeanor |
| M. | Credit card theft | | | |
| | See "FRAUD - Fraudulent credit card practices" | | | |
| 2. | Receiving | | | |
| A. | Goods valued more than \$200 known to have been larcenously or feloniously taken | Imprisonment up to 10 years or fine or both | 14-71; 14-2; 14-72(a) | Felony |
| B. | Goods known to have been larcenously taken from the person | Imprisonment up to 10 years or fine or both | 14-71; 14-2; 14-72(b)(1), (c) | Felony |
| C. | 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; 14-2; 14-72(b)(2), (c) | Felony |
| D. | Of explosive device known to have been larcenously taken | Imprisonment up to 10 years or fine or both | 14-71; 14-2 14-72(b)(3), (c) | Felony |
| E. | Of firearms known to have been larcenously taken | Imprisonment up to 10 years or fine or both | 14-71; 14-2; 14-72(b)(4), (c) | Felony |
| F. | Of paper or record in custody of State Department of Archives known to have been larcenously taken | Imprisonment up to 10 years or fine or both | 14-71; 14-2; 14-72(b)(5), (c) | Felony |
| G. | Of stolen vehicles | Imprisonment 1-5 years or fine \$500 - \$5,000 or both | 20-106; 20-177 | Felony |
| H. | Goods valued up to \$200 known to have been larcenously or feloniously taken | Imprisonment up to 2 years or fine or both | 14-71; 14-72 (a); 14-3(a) | Misdemeanor |

*See Introduction.

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|---|--|---------------------------------------|--------------|
| 3. Possession | | | |
| A. Goods valued more than \$200 known to have been larcenously or feloniously taken | Imprisonment up to 10 years or fine or both | 14-71.1; 14-2; 14-72(a) | Felony |
| B. Goods known to have been larcenously taken from the person | Imprisonment up to 10 years or fine or both | 14-71.1; 14-72(b)(1), (c); 14-2 | Felony |
| C. 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 | 14-71.1; 14-72(b)(2), (c); 14-2 | Felony |
| D. Of explosive device known to have been larcenously taken | Imprisonment up to 10 years or fine or both | 14-71.1; 14-72(b)(3), (c); 14-2 | Felony |
| E. Of firearm known to have been larcenously taken | Imprisonment up to 10 years or fine or both | 14-71.1; 14-72(b)(4), (c); 14-2 | Felony |
| F. Of paper or record in custody of State Department of Archives known to have been larcenously taken | Imprisonment up to 10 years or fine or both | 14-71.1; 14-72(b)(5), (c); 14-2 | Felony |
| G. Of vehicle known to have been unlawfully taken | Imprisonment 1-5 years or fine \$500-5,000 or both | 20-106; 20-177 | Felony |
| H. Goods valued up to \$200 known to have been larcenously or feloniously taken | Imprisonment up to 2 years or fine or both | 14-71.1; 14-72(a); 14-3 | Misdemeanor |
| LIQUOR LAW VIOLATIONS ¹ | | | |
| 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 ² on public street or highway | Imprisonment up to 2 years or fine or both | 18A-30(5)(a); 18A-56; 14-3 | Misdemeanor |
| 7. | Making public display of alcoholic beverages ² at athletic contest | Imprisonment up to 2 years or fine or both | 18A-30(5)(b); 18A-56; 14-3(b) | Misdemeanor |
| 8. | Transportation of alcoholic beverages ² in passenger area of vehicle with seal broken | Imprisonment up to 2 years or fine or both | 18A-26(a); 18A-56; 14-3 | Misdemeanor |
| 9. | Transportation of more than four liters of alcoholic beverages without a permit. | Imprisonment up to 2 years or fine or both | 18A-26(a); 18A-56; 14-3 | Misdemeanor |
| 10. | Possessing or consuming alcoholic beverages ² 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) 18A-56; 14-3 | Misdemeanor |
| 11. | Manufacture, sale, barter, transport, import, export, delivery, furnishing, purchasing or possession of intoxicating liquor except as authorized in Ch. 18A or Ch. 105 | Imprisonment up to 2 years or fine or both | 18A-3; 18A-56; 14-3 | Misdemeanor |
| | LITTERING | Fine up to \$200 | 14-399 | Misdemeanor |
| | LOTTERIES AND GAMBLING ³ | | | |
| 1. | Dealing in lotteries | Imprisonment up to 6 months or fine up to \$2,000 or both | 14-290 or 14-291 | Misdemeanor |

¹G.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 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."

²Alcoholic 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).

³G.S. 14-299 provides for the seizure and sale or destruction of gambling equipment used in illegal operations.

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|---|--|--------------------------|--------------|
| 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 months 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 ¹ and fine not less than \$200 | 14-295 | Misdemeanor |
| B. Playing | Fine not less than \$10 ¹ | 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 months - 20 years | 14-18 | Felony |
| 2. Involuntary | Imprisonment up to 10 years or fine or both | 14-18; 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
or fine or both
14-316.1;
14-3 Misdemeanor

MORAL OFFENSES

1. Crime against nature
Imprisonment up to 10 years
or fine*
14-177;
14-2 Felony

2. Indecent exposure
Imprisonment up to 6 months
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
or fine or both
14-190.7;
14-3 Misdemeanor

B. Disseminating to minors under 12
Imprisonment up to 5 years
and fine
14-190.8 Felony

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"

*See Introduction.

¹This 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. See the discussion of State v. Blackmon in the Introduction.

CRIMEPUNISHMENTSOURCEGRADEMOTOR VEHICLE LAW VIOLATIONS¹

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

20-28(a)

Misdemeanor

B. Permanent revocation³

Imprisonment 1 year²(minimum)

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 driving⁴

A. Involving personal injury or death

Imprisonment 1-5 yrs 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

4. Driving under the influence (including driving with %.10 or more blood alcohol level)⁵

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;
imprisonment up to 2 years
or both

20-138 or
20-139;
20-179(a)

Misdemeanor

| | | | | |
|----|---|---|-------------|-------------|
| 5. | Reckless driving ⁶ | Imprisonment up to 6 months or fine up to \$500 or both | 20-140(d) | Misdemeanor |
| 6. | Motor vehicle racing | | | |
| | A. Wilful racing | Imprisonment up to 2 years or fine not less than \$50 or both | 20-141.3(b) | Misdemeanor |
| | B. Wilful, prearranged racing | Imprisonment 60 days - 2 yrs bt fine not less than \$500 or both* | 20-141.3(a) | Misdemeanor |
| 7. | Tampering with vehicle | Imprisonment up to 2 years or fine or both* | 20-107 | Misdemeanor |
| 8. | Altering engine number or other vehicle identification mark | | | |
| | A. Wilful altering of numbers | Imprisonment up to 2 years or fine or both | 20-109(a) | Misdemeanor |
| | B. Wilful altering of numbers with intent to conceal true identity of vehicle | Imprisonment up to 5 years or fine not less than \$2,000 or both | 20-109(b) | Felony |

MUNICIPAL ORDINANCE

See "ORDINANCE VIOLATION - Municipal or county"

*See Introduction.

¹For a more complete listing of motor vehicle offenses see the 1978 Institute of Government publication entitled Punishments for Motor Vehicle Offenses.

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

³The statute specifies a minimum of one-year imprisonment and is silent as to any other punishment. It is not clear whether a fine would be permissible either in addition or as an alternative.

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

⁵See 20-17(2) and 20-19(d), (e) and (f) as to revocation of license for the offenses. See also 20-179(b) as to limited driving privilege for first offenders.

⁶See 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> |
|---|--|------------------------|--------------|
| MURDER | | | |
| 1. First degree | Death or life imprisonment | 14-17 | Felony |
| 2. Second degree | Imprisonment 2 years to life | 14-17 | Felony |
| 3. Killing adversary in duel | Imprisonment for life | 14-20 | Felony |
| NARCOTIC AND OTHER DRUG VIOLATIONS¹ | | | |
| See also "PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES" | | | |
| 1. Violation of North Carolina Controlled Substances Act | | | |
| A. Manufacturing, selling, delivering or possessing with intent to manufacture, etc. Schedule I or II controlled substances | Imprisonment up to 10 years or fine up to \$10,000 or both | 90-95(a)(1) and (b)(1) | Felony |
| B. Manufacturing, selling, delivering or possessing with intent to manufacture etc. Schedule III, IV, V, or VI controlled substances ² | Imprisonment up to 5 years or fine up to \$5,000 or both | 90-95(a)(1) and (b)(2) | Felony |
| C. Creating, selling, delivering or possessing with intent to sell, etc. counterfeit controlled substance | Imprisonment up to 5 years or fine up to \$5,000 or both | 90-95(a)(2) and (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) and (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 \$2,000 or both | 90-95(a)(3) and (d)(2) | Misdemeanor |
| F. Simple possession of more than 100 dosage units of a Schedule II, III or IV controlled substance | Imprisonment up to 5 years or fine up to \$5,000 or both | 90-95(a)(3) and (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) and (d)(3) | Misdemeanor |

| | | | | |
|----|---|---|-----------------------------|-------------|
| H. | Simple possession of certain small quantities of a Schedule VI controlled substance | Fine up to \$100 | 90-95(a)(3) and (d)(4) | Misdemeanor |
| I. | Simple possession of certain small quantities of a Schedule VI controlled substance, if person has previous drug conviction | Imprisonment up to 6 months or fine up to \$500 or both | 90-95(a)(3), (d)(4), (e)(7) | Misdemeanor |
| J. | 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) and (d)(4) | Felony |
| K. | Delivering controlled substance to minor under 16 years of age by adult | Imprisonment from 5-30 yrs | 90-95(a)(1) and (e)(5) | Felony |
| L. | Continuing criminal enterprise ³ | | | |
| | 1. First offense | Imprisonment from 10 years to life and fine up to \$100,000 | 90-95.1 | Felony |
| | 2. Second offense | Imprisonment from 20 years to life and fine up to \$200,000 | 90-95.1 | Felony |
| M. | Other drug law offenses - G.S. 90-98, 90-108, 90-109, 90-113.4 | | | |

¹G.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) and (d). The conditions are:

- 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;
- If the person has two or more prior controlled substances felony convictions, he must 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;
- 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;
- 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.

²The transfer of less than 5 grams of marijuana for no remuneration is not a delivery under G.S. 90-95(b)(2).

³The statute also requires forfeiture of all property used and profits made in the enterprise. Further, G.S. 90-95.1(d) provides that no parole or suspended sentence is allowed for persons convicted of continuing criminal enterprise.

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|---|---|----------------------------------|--------------|
| 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 WITH GLASS, ETC. | Imprisonment up to 30 days or fine up to \$200 | 136-91 | Misdemeanor |
| 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

PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES

Furnishing poison, narcotics or weapons to inmates Imprisonment up to 10 years
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 years or
fine up to \$5,000 or both 14-214 Felony
4. Other perjury offenses - G.S. 14-209; 14-216

POSSESSION OF STOLEN GOODS

See "LARCENY AND RECEIVING"

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"

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

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|---|--|-----------------------|--------------|
| For other offenses involving trespass or damage to property, see specific offenses. | | | |
| 1. Forcible entry and detainer ² | Imprisonment up to 2 years or fine or both | 14-126; 14-3 | Misdemeanor |
| 2. Trespass after being forbidden ³ | 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 ⁴ | | | |
| 1. 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 |
| 2. Second degree | Imprisonment up to 2 years or fine* | 14-208; 14-3 | Misdemeanor |
| RAPE | | | |
| See also "ASSAULT - Felonies - Assault with intent to commit rape" | | | |
| 1. Rape - First degree | Imprisonment for life | 14-21 | Felony |
| 2. Rape - Second degree | Imprisonment up to life | 14-21 | Felony |

3. Carnal knowledge of virginal girl 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 |
| 4. Carnal knowledge by female of boy under 16 | Imprisonment up to 2 years or fine* | 14-26; 14-3 | Misdemeanor |

RECKLESS DRIVING

See "MOTOR VEHICLE LAW VIOLATIONS"

RECORD AND TAPE PIRACY⁵

| | | | |
|---|---|-------------------|-------------|
| 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; 14-437 | Misdemeanor |
| 2. Retailing pirated tapes or records | Imprisonment up to 6 months or fine up to \$500 or both | 14-434; 14-437 | Misdemeanor |

*See Introduction.

¹Many of the more minor trespass or property-damage offenses, however, are omitted from this chart 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 (1978).

²The offense under 14-126 has somewhat different elements than the common law offense of forcible trespass--also punished 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).

³This offense includes refusing to leave property after being asked to do so.

⁴Probation or parole may not be granted 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.

⁵G.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.

CRIMEPUNISHMENTSOURCE GRADE

RESISTING ARREST

See "OBSTRUCTING JUSTICE"

RIDING OR GOING ABOUT ARMED TO TERROR OF PEOPLE

Imprisonment up to 2 years
or fine or bothc.l.;
14-3 Misdemeanor

RIOTS AND CIVIL DISORDERS

1. Riot

A. Engaging in riot

Imprisonment up to 2 years
or fine or both14-288.2(b);
14-3(a) MisdemeanorB. Engaging in riot - resulting in more than
\$1,500 property damage or serious injuryImprisonment 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 substanceImprisonment up to 5 years
or fine up to \$10,000 or both

14-288.2(c) Felony

D. Inciting to riot

Imprisonment up to 2 years
or fine or both14-288.2(d);
14-3(a) MisdemeanorE. Inciting to riot - more than \$1,500
property damages or serious injury
resultingImprisonment up to 10 years
or fine or both14-288.2(e);
14-2 Felony

2. Disorderly conduct

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

14-288.4(b) Misdemeanor

3. Disorderly conduct in or injury to public
building or facilityImprisonment up to 6 months
or fine up to \$500 or both

14-132 Misdemeanor

4. Blocking ingress or egress of public
buildingsImprisonment up to 6 months
or fine up to \$500 or both

14-132.1 Misdemeanor

5. Sitting or lying upon highways or streets¹Imprisonment up to 6 months
or fine up to \$500 or both20-174.1(a);
20-174.1(b) Misdemeanor

| | | | | |
|-----|--|--|-----------------------------|-------------|
| 6. | Failure to disperse | Imprisonment up to 6 months or fine up to \$500 | 14-288.5(b) | Misdemeanor |
| 7. | Trespass during emergency | Imprisonment up to 2 years or fine or both | 14-288.6(a); 14-3(a) | Misdemeanor |
| 8. | Looting | Imprisonment up to 5 years 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 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 |
| 12. | 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 |
| | F. Superior Court injunction | Imprisonment up to 30 days or fine up to \$250 or both | 14-226.1 | Misdemeanor |

¹See also "OBSTRUCTING HIGHWAY WITH GLASS, ETC."

| <u>CRIME</u> | <u>PUNISHMENT</u> | <u>SOURCE</u> | <u>GRADE</u> |
|--------------|-------------------|---------------|--------------|
|--------------|-------------------|---------------|--------------|

ROBBERY

See also "ATTEMPT - Attempted robbery with firearms"

- | | | | |
|--|---|------------|--------|
| 1. Robbery (common law and highway robbery) ¹ | Imprisonment up to 10 years or fine or both | c.1.; 14-2 | Felony |
| 2. Robbery with firearms or dangerous weapons | Imprisonment 7 years to life ² | 14-87 | Felony |
| SAFE CRACKING | 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 |
| 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. ³ | Imprisonment 1-5 years | 14-12.14; 14-12.15 | Felony |
| SLOT MACHINES | | | |
| See "LOTTERIES AND GAMBLING" | | | |
| SOLICITATION TO COMMIT FELONY | | | |
| SUBORNATION OF PERJURY | Imprisonment up to 2 years or fine or both | c.l.; 14-3 | Misdemeanor |
| 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" | | | |
| *See Introduction. | | | |
| ¹ See also "ATTEMPT - Attempt to commit common law robbery." | | | |
| ² The seven-year minimum must be served without the benefit of suspended sentence or parole. | | | |
| ³ Compare this offense with G.S. 14-12.13, which carries the same punishment. G.S. 14-12.13 is similar to G.S. 14-12.14, except that it deletes the mask wearing requirement. | | | |

GRADESOURCEPUNISHMENTCRIME

VAGRANCY

VEHICLE OFFENSES

See "MOTOR VEHICLE LAW VIOLATIONS"

WORTHLESS CHECK

See "FALSE PRETENSES AND CHEATS"

THE INSTITUTE OF GOVERNMENT, an integral part of the University of North Carolina at Chapel Hill, is devoted to training and research in the fields of state and local government.

Since 1931 the Institute has been conducting schools and short courses for city, county, and state officials. Through guidebooks, special bulletins, and a magazine, the research findings of the Institute are made available to thousands of other officials throughout the state.

The Legislative Service of the Institute records daily the activities of the North Carolina General Assembly while it is in session, both for members of the General Assembly and for other state and local officials who need to follow the course of legislative events.

Over the years the Institute has served as the research agency for many study commissions of the state and local governments.

