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Punishment Chart

for

North Carolina Crimes

1992

John Rubin

Institute of Government

The University of North Carolina at Chapel Hill

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Printed in the United States of America

ISBN 1-56011-250-6

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INTRODUCTION

This chart is the Institute of Government's seventh compilation of an earlier chart called *Summary of Crimes Most Frequently Committed by Punishment, Grade, and Statute*. It is current through the 1992 General Assembly. This chart does not include all crimes under North Carolina law but, with the exception of motor vehicle offenses, it is intended to include the crimes that appear most frequently on district and superior courts' criminal dockets. Motor vehicle offenses do not appear in the chart; the Institute of Government's 1993 edition of *Punishment Chart for Motor Vehicle Offenses in North Carolina* should be consulted for a treatment of this subject. For a fuller discussion of sentencing law in general, the Institute of Government's 1991 publication, *Law of Sentencing, Probation and Parole in North Carolina*, by Stevens H. Clarke, should be consulted.

The crimes in this chart are set out in alphabetical order of major subject-matter headings. For ease of use, some offenses appear in more than one place in the chart. Cross-references have also been used to help the reader locate specific crimes under the proper major headings. Finally, indexes to the crimes by subject matter headings and statutory references are included.

Felonies

In 1979 the General Assembly enacted the Fair Sentencing Act. The Act was amended in 1980 and 1981, and it became effective on July 1, 1981. It applies to all felonies committed on or after that date. This chart reflects punishments established by the Fair Sentencing Act. Punishments for felonies committed before July 1, 1981, are not set out in this chart; the reader should refer to the applicable statutes to determine punishments for those felonies.

The Fair Sentencing Act completely revised sentencing procedures and permissible punishments for felonies. The Act established ten classes of felonies. Each class carries with it a different punishment, and eight of the classes also establish specific maximum and presumptive sentences. G.S. 15A-1340.4(a) provides that, subject to certain exceptions, the sentencing judge must impose the presumptive term established by the statute. The judge may vary from the presumptive sentence within certain limits if the judge makes specific findings of fact about his or her reasons for doing so. In addition, the court is not required to impose the presumptive term in cases in which there is a plea arrangement about sentence. The ten classes of felonies, the maximum and presumptive sentences established by G.S. 14-1.1 and 15A-1340.4(f), respectively, and examples of offenses falling into each class, are set out below:

- Class A: Punishable by death or life imprisonment. Includes only first degree murder.
- Class B: Mandatory life imprisonment. Includes first degree rape and sexual offense.
- Class C: Punishable by imprisonment up to 50 years, or for life, or fine, or imprisonment and fine. Presumptive term is 15 years. Examples: second degree murder, first degree arson.
- Class D: Punishable by imprisonment up to 40 years, fine, or both. Presumptive term is 12 years. Examples: second degree arson, first degree kidnapping.
- Class E: Punishable by imprisonment up to 30 years, fine, or both. Presumptive term is 9 years. Examples: second degree kidnapping, burglary with explosives.
- Class F: Punishable by imprisonment up to 20 years, fine, or both. Presumptive term is 6 years. Examples: attempted first degree rape or sexual offense, voluntary manslaughter.
- Class G: Punishable by imprisonment up to 15 years, fine, or both. Presumptive term is 4½ years. Examples: conspiracy to abduct children, incest between certain near relatives.
- Class H: Punishable by imprisonment up to 10 years, fine, or both. Presumptive term is 3 years. Examples: felonious larceny, assault with a deadly weapon inflicting serious injury, felonious breaking or entering, involuntary manslaughter.
- Class I: Punishable by imprisonment up to 5 years, fine, or both. Presumptive term is 2 years. Examples: forgery and uttering, possession of Schedule I controlled substance.

Class J: Punishable by imprisonment up to 3 years, fine, or both. Presumptive term is 1 year. Includes all felonies not assigned by statute to a felony class. Examples: theft of credit card, felonious restraint.

In a few offenses the legislature has established mandatory minimum terms of imprisonment. Upon conviction of one of these offenses, a defendant *must* be sentenced to a term of imprisonment for at least the minimum period. In these cases the presumptive term for the offense is modified. G.S. 14-52, for example, provides that second degree burglary is a Class D felony. G.S. 15A-1340.4(f) provides that the presumptive punishment for a Class D felony is 12 years "[u]nless otherwise specified by statute." G.S. 14-52 specifically provides that the mandatory minimum term of imprisonment upon conviction of second degree burglary is 14 years. Accordingly, the chart states the punishment for that offense as "Imprisonment up to 40 years (presumptive and minimum 14 years), or imprisonment and fine."

Persons relying on this chart should be aware of one instance in which a mandatory minimum sentence not reflected in the chart may apply. G.S. 14-2.2 provides that a person convicted of a felony in which a deadly weapon was used must be sentenced to at least 14 years imprisonment and must serve at least 7 years in prison if the person has been convicted within the last 7 years of another felony in which a deadly weapon was used. The provisions of G.S. 14-2.2 contain certain exceptions to the general rule set out above; readers interested in the provision should consult the statute for details.

Misdemeanors

Readers should also be aware of a potential variation in sentencing for misdemeanors. Unless a specific punishment is established by statute, sentencing for misdemeanors is governed by G.S. 14-3. G.S. 14-3(a) provides that misdemeanors, as a general rule, are punishable by fine, imprisonment for up to two years, or both. In the case of misdemeanors that are "infamous, done in secrecy and malice, or with deceit and intent to defraud," however, the offender is guilty of a Class H felony. G.S. 14-3(b). This "escalation clause" has generated litigation concerning the propriety of classifying various misdemeanor offenses as "infamous misdemeanors," punishable as felonies. The appellate courts' classification of certain offenses as infamous are reflected in the chart. The issue is certain to arise in connection with other misdemeanor offenses, however, and the reader should be aware of the potential applicability of G.S. 14-3(b) to misdemeanor offenses.

G.S. 14-3(c) also contains an "escalation clause" for misdemeanors committed because of the victim's race, color, religion, nationality, or country of origin. G.S. 14-3(c) provides that for misdemeanors with a punishment less than the punishment for a general misdemeanor, the offender is guilty of a general misdemeanor if the offense was committed for one of the reasons proscribed by G.S. 14-3(c). A general misdemeanor is punishable by up to 2 years' imprisonment, a fine, or both. G.S. 14-3(c) further provides that if a general misdemeanor is committed for one of the proscribed reasons, the offender is guilty of a Class J felony. The constitutionality of similar punishment schemes has been the subject of litigation in other jurisdictions. *See State v. Mitchell*, 485 N.W.2d 807 (Wis. 1992) (finding scheme unconstitutional), *cert. granted*, 61 U.S.L.W. 3435 (U.S. Dec. 7, 1992) (No. 92-515); *State v. Wyant*, 597 N.E.2d 450 (Ohio 1992) (same); *Richards v. State*, 608 So.2d 917 (Fla. Ct. App. 1992) (same). *But see State v. Plowman*, 838 P.2d 558 (Or. 1992) (upholding scheme); *Dobbins v. State*, 605 So.2d 922 (Fla. Ct. App. 1992) (same). As yet there are no reported decisions on G.S. 14-3(c).

John Rubin
1993

**Punishment
Chart
for
North
Carolina
Crimes**

PUNISHMENT CHART

Crime	Source	Punishment	Grade
ABANDONMENT AND NONSUPPORT			
1. Abandonment of spouse without providing adequate support ¹			
A. First offense	14-322(b), -322(f)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Subsequent offense	14-322(b), -322(f)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Failure to provide adequate support while living with dependent spouse			
A. First offense	14-322(c), -322(f)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Subsequent offense	14-322(c), -322(f)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Nonsupport of child by parent ²			
A. First offense	14-322(d), -322(f)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Subsequent offense	14-322(d), -322(f)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Nonsupport of illegitimate child by parent ³	49-2, -8	Imprisonment up to 6 months	Misdemeanor

1. In addition to imposing the authorized punishment for this offense, the trial judge is also authorized to enter an order for support. G.S. 14-322(e).

2. See note 1.

3. In *State v. Green*, 277 N.C. 188, 176 S.E.2d 756 (1970), the court stated that the "only punishment authorized by law [for violation of G.S. 49-2] . . . is limited . . . to six months in prison" (emphasis in original). Support and other payments are, therefore, not considered criminal fines or penalties. G.S. 49-8 nevertheless authorizes the following dispositions in addition to or instead of imprisonment: (1) suspension of sentence and continuance, (2) probation, conditioned on payment of support, (3) order to pay mother's medical expenses, and (4) order to sign recognizance for compliance with court order.

Crime	Source	Punishment	Grade
5. Abandonment of child for 6 months and failure to support	14-322.1	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
6. Failure to support parent			
A. First offense	14-326.1	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Subsequent offense	14-326.1	Imprisonment up to 2 years, fine (or both)	Misdemeanor

ABDUCTION. *See* KIDNAPPING AND ABDUCTION

ABORTION AND RELATED OFFENSES

1. Using drugs or instruments with intent to destroy unborn child ⁴	14-44	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Using drugs or instruments with intent to produce miscarriage or injure pregnant woman ⁵	14-45	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

ACCESSORY TO FELONY⁶

1. Before the fact ⁷	14-5.2	Punished as principal	Felony
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4. G.S. 14-45.1 provides that, notwithstanding G.S. 14-44 and 14-45, it is not unlawful for abortions to be performed under certain conditions.

5. *See* note 4.

6. No distinction is made between principals and accessories with respect to misdemeanors. Persons who participate in misdemeanors, whether present or absent, "are indictable and punishable as principals." *State v. Bennett*, 237 N.C. 749, 76 S.E.2d 42 (1953).

7. In 1981 the General Assembly abolished the distinction between accessories before the fact and principals in the commission of felonies. Under G.S. 14-5.2, persons who would have been guilty of accessory before the fact under former law are now punished as principals. This rule is subject to one exception, set out in G.S. 14-5.2: if a person who would have been convicted of accessory before the fact under former law is convicted of a capital offense, *and* his or her conviction is based solely on the uncorroborated testimony of one or more principals, co-conspirators, or accessories to the crime, the defendant shall be guilty of and punished as for a Class B felony. If this exception is not applicable, a person who would have been an accessory before the fact to a capital offense under former law is punishable by death or life imprisonment, subject to constitutional limitations. *See* *Enmund v. Florida*, 458 U.S. 782 (1982), and N.C.P.I.—Crim. 150.10 (April 1992).

Crime	Source	Punishment	Grade
2. After the fact ⁸	14-7	Imprisonment up to 10 years, (presumptive 3), fine (or both)	Class H Felony

ADULT ESTABLISHMENTS

1. Permitting facility to contain multiple adult establishments	14-202.11, -202.12		
A. First offense		Imprisonment up to 3 months, fine up to \$300 (or both)	Misdemeanor
B. Subsequent offense		Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
2. Permitting adult establishment in facility where sexually oriented devices are contained	14-202.11, -202.12		
A. First offense		Imprisonment up to 3 months, fine up to \$300 (or both)	Misdemeanor
B. Subsequent offense		Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
3. Permitting multiple occupancy in viewing booth in adult mini-motion picture theater	14-202.11, -202.12		
A. First offense		Imprisonment up to 3 months, fine up to \$300 (or both)	Misdemeanor
B. Subsequent offense		Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

ADULTERY. *See* FORNICATION AND ADULTERY

AFFRAY. *See* ASSAULT—Misdemeanors

⁸ A participant in a crime cannot be an accessory after the fact to that crime. *State v. McIntosh*, 260 N.C. 749, 133 S.E.2d 652 (1963).

Crime	Source	Punishment	Grade
ANIMALS. See DANGEROUS DOGS, OWNERS OF			
ANIMALS, INTERFERENCE WITH RESEARCH ⁹			
1. Unauthorized entry into animal research facility with intent to disrupt operations, damage facility, release any animal, or interfere with care of animals	14-159.2(a) -159.2(b)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Damage to animal research facility or property within facility	14-159.2(a) -159.2(b)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Unauthorized release of any animal from enclosure or restraining device within animal research facility	14-159.2(a) -159.2(b)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Interference with care of any animal within animal research facility	14-159.2(a) -159.2(b)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Commission of offense under G.S. 14-159.2(a) involving release of animal with infectious disease	14-159.2(c)	Imprisonment up to 3 years, (presumptive 1), fine (or both)	Class J Felony
ANIMALS, TREATMENT OF			
1. Cruelty to animals	14-360	Imprisonment up to 1 year, fine up to \$1,500 (or both)	Misdemeanor
2. Instigating or promoting cruelty	14-361	Imprisonment up to 1 year, fine up to \$1,500 (or both)	Misdemeanor
3. Abandonment of animals without justifiable excuse	14-361.1	Imprisonment up to 6 months and fine up to \$1,000	Misdemeanor
4. Cock fighting	14-362	Imprisonment up to 6 months and fine up to \$500	Misdemeanor
5. Promoting fighting and baiting of animals other than cocks ¹⁰	14-362.1(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

9. G.S. 14-159.2(d) provides that, as a condition of probation, the court may order a person convicted under G.S. 14-159.2 to make restitution for damages resulting from the violation, including such costs as replacing animals and equipment.

10. G.S. 14-362.1(a) provides that a lessor of property who knows that the property is used or intended to be used for fighting or baiting of an animal is under a duty to evict the lessee immediately.

Crime	Source	Punishment	Grade
A. Within 3 years of conviction of related offense	14-362.1(d)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
6. Possession or training of animal other than cock with intent to use in fighting exhibition	14-362.1(b)	Imprisonment up to 1 year and fine up to \$1,000	Misdemeanor
7. Participating as spectator at animal fight other than cock fight	14-362.1(c)	Imprisonment up to 6 months and fine up to \$500	Misdemeanor
8. Conveying animal in cruel manner	14-363	Imprisonment up to 1 year and fine up to \$1,500	Misdemeanor

ARSON, OTHER BURNINGS, AND RELATED OFFENSES. *See also* ATTEMPT—Attempt to commit arson or other unlawful burnings

1. Arson

A. First degree ¹¹	common law, 14-58	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony
B. Second degree	common law, 14-58	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony

2. Burning particular property

A. Public buildings	14-59	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
B. Educational institutions	14-60	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
C. Churches, certain other buildings	14-62	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
D. Building in process of construction	14-62.1	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony

11. This offense includes the crime set out in G.S. 14-58.2, which provides that a person is guilty of first degree arson if he or she "willfully and maliciously burn[s] any mobile home . . . which is the dwelling house of another and which is occupied at the time of the burning. . . ."

Crime		Source	Punishment	Grade
E.	Boats or barges	14-63	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
F.	Dwelling house owned or occupied by defendant	14-65	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
G.	Personal property	14-66	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
3.	Burning or attempted burning of building not otherwise covered by statute	14-67.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
4.	Setting fire to grass, brushlands, or woodlands	14-136		
A.	First offense		Imprisonment for not less than 60 days nor more than 4 months or fine of \$50-\$500	Misdemeanor
B.	Subsequent offense		Imprisonment for not less than 4 months nor more than 1 year	Misdemeanor
5.	Setting fire to grass, brushlands, or woodlands with intent to damage property of another	14-136		
A.	First offense		Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
B.	Subsequent offense	*	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
6.	Setting fire to woods or fields	14-137, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
7.	Violation of open-burning laws	113-60.21 to -60.29	Imprisonment up to 30 days, fine up to \$50, (or both)	Misdemeanor

ASSAULT. See also STALKING, WEAPONS OFFENSES

1. Misdemeanors

A.	Simple assault, simple assault and battery, or simple affray	14-33(a)	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
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Crime	Source	Punishment	Grade
B. Assault, assault and battery, or affray inflicting serious injury	14-33(b)(1)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Assault, assault and battery, or affray with deadly weapon	14-33(b)(1)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
D. Assault on female	14-33(b)(2)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
E. Assault on child under 12	14-33(b)(3)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
F. Assault on officer or employee of state or political subdivision in discharge of official duties	14-33(b)(8)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
K. Assault by pointing gun	14-34	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
L. Simple assault or battery on handicapped person	14-32.1(f)	Imprisonment up to 1 year, fine (or both)	Misdemeanor
M. Assault on emergency personnel	14-288.9, 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Felonies			
A. Malicious castration with intent to injure	14-28	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony
B. Castration or maiming with intent to injure but without malice aforethought	14-29	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Malicious maiming with intent to injure	14-30	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
D. Malicious acid throwing with intent to injure	14-30.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
E. Malicious assault and battery with deadly weapon in secret manner and with intent to kill	14-31	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
F. Assault with deadly weapon			
1. With intent to kill, inflicting serious injury	14-32(a)	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony

Crime	Source	Punishment	Grade
2. Inflicting serious injury	14-32(b)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
3. With intent to kill	14-32(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
G. Assault on handicapped person			
1. With a deadly weapon, with intent to kill, inflicting serious injury	14-32.1(b)	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
2. With a deadly weapon, inflicting serious injury	14-32.1(c)	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
3. With a deadly weapon, with intent to kill	14-32.1(d)	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
4. Aggravated assault or aggravated assault and battery	14-32.1(e)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
H. Abuse of health-care-facility patient or residential-care-facility resident			
1. Intentional conduct resulting in death	14-32.2(b)(1)	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony
2. Culpably negligent conduct resulting in death	14-32.2(b)(2)	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
3. Conduct resulting in serious bodily injury	14-32.2(b)(3)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
I. Discharging firearm into occupied property	14-34.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
J. Assault with deadly weapon on officer or employee of state or political subdivision in performance of duties	14-34.2	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
K. Assault with dangerous weapon on emergency personnel	14-288.9	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

Crime	Source	Punishment	Grade
ATTEMPT. <i>See also</i> headings for offense attempted			
1. Attempt to commit first degree rape	14-27.6 ¹²	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
2. Attempt to commit second degree rape	14-27.6	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
3. Attempt to commit first degree sexual offense	14-27.6	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
4. Attempt to commit second degree sexual offense	14-27.6	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
5. Attempt to commit arson or other unlawful burnings ¹³	14-67	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
6. Attempted use of explosive or incendiary device to injure another or damage property	14-49	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
7. Attempted damage of occupied property by use of explosive or incendiary device	14-49.1	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony
8. Attempted robbery with firearm or other dangerous weapon	14-87	Imprisonment up to 40 years (presumptive and minimum 14), or imprisonment and fine ¹⁴	Class D Felony
9. Attempted common-law robbery	common law, 14-87.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

12. This section replaces the former offense of assault with intent to commit rape. *State v. Boone*, 307 N.C. 198, 297 S.E.2d 585 (1982).

13. G.S. 14-67.1 provides the same punishment for attempted burning of any building not otherwise covered in G.S. 14-67.

14. G.S. 14-87(d) provides that a person convicted of this offense must be sentenced to at least 14 years in prison and must actually serve at least 7 years, excluding gain time; that the sentence may not be suspended and the person may not be placed on probation; and that the sentence must run consecutively with and must begin to run at the expiration of any sentence being served by the person at the time of sentencing. These provisions do not apply, however, to persons sentenced as committed youthful offenders. Also, the court is not required to, although it may, impose consecutive sentences when two or more violations are being disposed of in the same sentencing proceeding. *State v. Thomas*, 85 N.C. App. 319, 354 S.E.2d 891 (1987); *State v. Crain*, 73 N.C. App. 269, 326 S.E.2d 120 (1985).

Crime	Source	Punishment	Grade
10. Attempted safecracking	14-89.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
11. Attempt to violate Controlled Substances Act	90-98	Same as for offense attempted	-----
12. Attempted escape. <i>See</i> ESCAPE			
13. Attempted burglary	common law, 14-3(b) ¹⁵	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
14. Attempted felonious breaking or entering	common law, 14-3(a) ¹⁶	Imprisonment up to 2 years, fine (or both)	Misdemeanor
15. Attempt to receive stolen property	common law, 14-3(a) ¹⁷	Imprisonment up to 2 years, fine (or both)	Misdemeanor
16. Attempt to commit crime against nature	common law, 14-3(b) ¹⁸	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
17. Attempt to obtain property by false pretenses	14-100	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
18. Attempt to commit a misdemeanor not specifically punished by statute	common law, 14-3	Imprisonment up to 2 years, fine (or both) ¹⁹	Misdemeanor

15. This offense has been held to be an infamous misdemeanor, punishable as a Class H felony under G.S. 14-3(b). *State v. Surles*, 230 N.C. 272, 52 S.E. 2d 880 (1949).

16. This offense has been held *not* to be an infamous misdemeanor and is thus punishable under G.S. 14-3(a) as indicated. *State v. Grant*, 261 N.C. 652, 135 S.E.2d 666 (1964).

17. This offense has been held *not* to be an infamous misdemeanor and is thus punishable under G.S. 14-3(a) as indicated. *State v. Hageman*, 307 N.C. 1, 296 S.E.2d 433 (1982).

18. This offense has been held to be an infamous misdemeanor, punishable as a Class H felony under G.S. 14-3(b). *State v. Spivey*, 213 N.C. 45, 195 S.E.2d 1 (1938). *Compare State v. Tyner*, 50 N.C. App. 206, 272 S.E.2d 626, *disc. rev. denied*, 302 N.C. 633, 280 S.E.2d 451 (1981) (solicitation to commit crime against nature *not* an infamous misdemeanor).

19. One court has ruled that this punishment may be imposed even when the offense attempted is itself punishable by a maximum imprisonment of less than two years. *See State v. Puryear*, 30 N.C. App. 719, 228 S.E.2d 536 (1976) (conspiracy to commit simple assault punishable by fine, imprisonment up to 2 years, or both pursuant to G.S. 14-3). *But see State v. Smith*, 174 N.C. 804 (1917) (assault statute is to be regarded as specific and therefore "entirely withdraws" case of assault from operation of predecessor of G.S. 14-3).

Crime	Source	Punishment	Grade
19. Attempt to commit felony not specifically punished by statute if attempt is infamous, done in secrecy and malice, or with deceit and intent to defraud	common law, 14-3(b)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
20. Attempt to commit felony not specifically punished by statute if attempt is <i>not</i> infamous, done in secrecy and malice, or with deceit and intent to defraud	common law, 14-3(a) ²⁰	Imprisonment up to 2 years, fine (or both)	Misdemeanor

BAD CHECK. *See* FALSE PRETENSES AND CHEATS—Knowingly writing worthless check

BIGAMY (and bigamous cohabitation)	14-183	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
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BLACKMAIL. <i>See also</i> EXTORTION	14-118, 14-3	Imprisonment up to 2 years, fine (or both) ²¹	Misdemeanor
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BOMBS. *See* EXPLOSIVE OR INCENDIARY DEVICE

BREAKING OR ENTERING. *See* BURGLARY AND OTHER BREAKING

BRIBERY

1. Acceptance of bribe by public official	14-217	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
2. Offering a bribe	14-218	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Offering bribe to, or acceptance of bribe by, juror	14-220	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

20. *State v. Glidden*, 317 N.C. 557, 346 S.E.2d 470 (1986), discusses test for determining whether misdemeanor was committed in secrecy and malice or with deceit and intent to defraud.

21. This punishment is appropriate unless the offense is deemed a Class H felony under G.S. 14-3(b). *See State v. Glidden*, 317 N.C. 557, 346 S.E.2d 470 (1986) (discusses test for determining whether an offense is infamous, done in secrecy and malice, or committed with deceit and intent to defraud).

Crime	Source	Punishment	Grade
BURGLARY AND OTHER BREAKING. See also ATTEMPT—Attempted burglary; OBSTRUCTING JUSTICE—Breaking or entering jail			
1. Burglary ²²			
A. First degree	14-51, -52	Imprisonment up to 50 years or for life (presumptive 15, minimum 14 years), or imprisonment and fine	Class C Felony
B. Second degree	14-51, -52	Imprisonment up to 40 years (presumptive and minimum 14 years), or imprisonment and fine	Class D Felony
2. Breaking out of dwelling house	14-53	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony
3. Breaking or entering building			
A. With intent to commit felony or larceny	14-54(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
B. Misdemeanor breaking or entering	14-54(b), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Preparation to commit burglary ²³	14-55	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
5. Breaking or entering cars, boats, airplanes, etc., with intent to commit felony or larceny ²⁴	14-56	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

22. With the exception of persons sentenced as committed youthful offenders, a person convicted of burglary must be sentenced to at least 14 years imprisonment and must actually serve at least 7 years in prison, excluding gain time. The judge may not suspend the sentence or place the defendant on probation. The sentence must run consecutively with, and begin at the expiration of, any sentence being served by the defendant at the time of sentencing. G.S. 14-52. However, when two or more violations are being disposed of in the same proceeding, the court is not required to, although it may, impose consecutive sentences. *See State v. Thomas*, 85 N.C. App. 319, 354 S.E.2d 891 (1987) (construing identical consecutive sentencing provisions under G.S. 14-87); *State v. Crain*, 73 N.C. App. 269, 326 S.E.2d 120 (1985) (same).

23. G.S. 14-55 creates three separate offenses: (1) possession of burglar's tools without lawful excuse; (2) being in a building with intent to commit any felony or larceny; and (3) being armed with intent to break or enter a building and to commit a felony or larceny therein. *See State v. Garrett*, 263 N.C. 773, 140 S.E.2d 315 (1965).

24. This offense includes breaking out after committing a felony or larceny.

Crime	Source	Punishment	Grade
6. Breaking into coin/currency-operated machines			
A. First offense	14-56.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. Subsequent offense	14-56.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
7. Damaging coin/currency-operated machines	14-56.2, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Breaking into paper currency machines			
A. First offense	14-56.3, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. Subsequent offense	14-56.3	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H felony
9. Burglary with explosives	14-57	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony

CASTRATION. *See* ASSAULT—Malicious castration, —Castration or maiming without malice aforethought

CHECK, WORTHLESS. *See* FALSE PRETENSES AND CHEATS—Knowingly writing worthless check

CHILD ABUSE. *See also* MINORS

1. Misdemeanor child abuse ²⁵	14-318.2, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Felonious child abuse			
A. Intentionally inflicts serious injury	14-318.4(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
B. Commits, permits, or encourages prostitution by child	14-318.4(a1)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

25. The statute creates three separate offenses: (1) inflicting physical injury on child; (2) allowing physical injury to be inflicted on child; and (3) creating or allowing to be created a substantial risk of physical injury to child. *State v. Fredell*, 283 N.C. 242, 195 S.E.2d 300 (1973).

Crime	Source	Punishment	Grade
C. Parent or legal guardian commits or allows commission of sexual act on child	14-318.4(a2)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

CITY ORDINANCE. *See* ORDINANCE VIOLATION

COIN-OPERATED MACHINES: *See* BURGLARY—Breaking into coin/currency-operated machines,
—Damaging coin/currency-operated machines

COMMUNICATING THREATS AND RELATED OFFENSES. *See also* STALKING

1. Communicating threats	14-277.1	Imprisonment up to 6 months, fine up to \$500, (or both)	Misdemeanor
2. Sending anonymous or threatening letters	14-394, 14-3(a) ²⁶	Imprisonment up to 2 years, fine (or both)	Misdemeanor

COMPUTER CRIME. *See also* EXTORTION—Threatening to damage computer or computer program

1. Felonious accessing of computer	14-454(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Misdemeanor accessing of computer	14-454(b), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Damaging computer	14-455(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
4. Damaging computer program	14-455(b), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Denying computer services	14-456, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

CONCEALED WEAPON, CARRYING <i>See also</i> WEAPONS OFFENSES	14-269	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
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26. *State v. Glidden*, 317 N.C. 557, 346 S.E.2d 470 (1986), held that a violation of G.S. 14-394 is not an infamous misdemeanor and thus is not punishable as a felony under G.S. 14-3(b).

Crime	Source	Punishment	Grade
CONCEALING THE BIRTH OF A CHILD ²⁷	14-46	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
CONSPIRACY. <i>See also</i> SOLICITATION			
1. To abduct children	14-42	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
2. To use explosive or incendiary			
A. To injure another person	14-50(a), -50(c)	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
B. To damage property	14-50(b), -50(c)	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
3. To break or enter jail with intent to injure prisoner	14-221	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
4. To violate Controlled Substances Act ²⁸	90-98, -95(i)	Same as for substantive offense for which conspiracy is created	
5. To commit murder	14-18.1(a)	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
6. To commit murder of law enforcement officer, judge, prosecutor, witness against defendant, or juror while engaged in or because of official duties	14-18.1(b)	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony
7. To commit Class H, I, or J felony, unless different punishment stated	14-2.4(1)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony

27. Aiding or abetting another in concealing the birth of a child is a misdemeanor, punishable by up to 2 years imprisonment, a fine, or both, under G.S. 14-46 and G.S. 14-3.

28. *State v. Worthington*, 84 N.C. App. 150, 352 S.E.2d 695 (1987); held that a defendant may not be convicted of both conspiracy to possess a controlled substance and conspiracy to sell a controlled substance when the evidence shows only one agreement, even though the agreement involves more than one substantive offense. "It is the number of separate agreements, rather than the number of substantive offenses agreed upon, which determines the number of conspiracies." *Id.* at 163, 352 S.E.2d at 703.

Crime	Source	Punishment	Grade
8. To commit any other class of felony, unless different punishment stated	14-2.4(2)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
9. To commit misdemeanors for which there is no specific conspiracy statute	common law, 14-3	Imprisonment up to 2 years, fine (or both) ²⁹	Misdemeanor

CONTEMPT OF COURT (Criminal Contempt)

1. Criminal contempt, generally ³⁰	5A-11, -12	Censure, imprisonment up to 30 days, fine up to \$500, or combination thereof	Misdemeanor
2. Refusal to testify after being granted immunity	5A-11(a)(8), -12	Censure, imprisonment up to 6 months, fine up to \$500, or combination thereof	Misdemeanor
3. Failure to comply with non-testimonial identification order	5A-12(a)	Censure, imprisonment up to 90 days, fine up to \$500, or combination thereof	Misdemeanor

CONTRIBUTING TO DELINQUENCY. *See* MINORS—Contributing to delinquency

CONTROLLED SUBSTANCES. *See* NARCOTIC AND OTHER DRUG VIOLATIONS

COUNTY ORDINANCE. *See* ORDINANCE VIOLATION

29. One court has ruled that this punishment may be imposed even when the conspiracy is to commit an offense which itself is punishable by a maximum imprisonment of less than two years. *See* State v. Puryear, 30 N.C. App. 719, 228 S.E.2d 536 (1976) (conspiracy to commit simple assault punishable by fine, imprisonment up to 2 years, or both pursuant to G.S. 14-3). *But see* State v. Smith, 174 N.C. 804 (1917) (assault statute is to be regarded as specific and therefore "entirely withdraws" case of assault from operation of predecessor of G.S. 14-3).

30. G.S. 5A-12(b) provides that fine or imprisonment may not be imposed unless the behavior was either willfully contemptuous or preceded by a clear warning by the court that the conduct was improper. These limitations do not apply to publication of false reports of court proceedings under 5A-11(5) or to jury tampering under 5A-11(9).

G.S. 5A-12(c) authorizes the judge to reduce or withdraw the sentence imposed at any time "if warranted by the conduct of the contemner and the ends of justice."

G.S. 5A-12(d) states that a person may be held in both criminal and civil contempt for the same conduct.

Crime	Source	Punishment	Grade
CREDIT CARD THEFT. <i>See also</i> FRAUD—Financial transaction card fraud; FORGERY—Financial transaction card			
1. Theft of financial transaction card ³¹	14-113.9, -113.17(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
CRIME AGAINST NATURE			
	14-177	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
DANGEROUS DOGS, OWNERS OF			
1. Leaving dangerous dog unrestrained on owner's property	67-4.2(a)(1) -4.2(c)	Imprisonment up to 30 days, fine up to \$100 (or both)	Misdemeanor
2. Permitting dangerous dog to go unrestrained beyond owner's property	67-4.2(a)(2) -4.2(c)	Imprisonment up to 30 days, fine up to \$100 (or both)	Misdemeanor
3. Attack by dangerous dog causing physical injury that requires medical treatment in excess of \$100	67-4.3	Imprisonment up to 2 years, fine up to \$5,000 (or both)	Misdemeanor
DEATH BY VEHICLE			
1. Misdemeanor	20-141.4(a2), -141.4(b)	Imprisonment up to 2 years, fine up to \$500 (or both)	Misdemeanor
2. Felony	20-141.4(a1), -141.4(b)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
DELINQUENCY. <i>See</i> MINORS			
DISCHARGING FIREARM INTO OCCUPIED PROPERTY			
	14-34.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

31. G.S. 14-113.8(4) sets out the statutory definition of financial transaction card. The definition includes credit cards as well as cards used to operate automatic banking devices.

Crime	Source	Punishment	Grade
DISORDERLY CONDUCT			
1. Generally	14-288.4	Imprisonment up to 6 months or fine up to \$500	Misdemeanor
2. At bus or railroad station or airport	14-275.1	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
3. In public building	14-132	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
4. Throwing objects at sports event	14-281.1	Imprisonment up to 30 days, fine up to \$100 (or both)	Misdemeanor
5. Intoxicated and disruptive in public ³²	14-444	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
DISTURBING GRAVES			
1. Throwing trash in cemetery	14-148(a)(1), -148(c)	Imprisonment for not less than 60 days nor more than 1 year, fine up to \$500 (or both) ³³	Misdemeanor
2. Desecrating graves	14-149(a)(1)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Vandalizing cemetery enclosure			
A. Causing less than \$1,000 damage	14-148(a)(2), -148(c)	Imprisonment for not less than 60 days nor more than 1 year, fine up to \$500 (or both) ³⁴	Misdemeanor
B. Causing more than \$1,000 damage	14-149(a)(2)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

32. G.S. 14-444(b) provides that a magistrate may not accept a guilty plea and enter judgment for this offense, despite the provisions of G.S. 7A-273(1).

33. G.S. 14-148(c) provides that the court shall consider the appropriateness of restitution or reparation as a condition of probation under G.S. 15A-1343(b)(6) as an alternative to imposition of a fine or jail term.

34. See note 33.

Crime	Source	Punishment	Grade
4. Vandalizing grave marker or ornament			
A. Causing less than \$1,000 damage	14-148(a)(3), -148(c)	Imprisonment for not less than 60 days nor more than 1 year, fine up to \$500 (or both) ³⁵	Misdemeanor
B. Causing more than \$1,000 damage	14-149(a)(3)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

DRIVING WHILE IMPAIRED

For a listing of punishments for motor vehicle offenses, see Ben F. Loeb, Jr., & James C. Drennan, *Punishment Chart for Motor Vehicle Offenses in North Carolina*, rev. ed. (Institute of Government 1993)

DRIVER LICENSE OFFENSES

For a listing of punishments for motor vehicle offenses, see Ben F. Loeb, Jr., & James C. Drennan, *Punishment Chart for Motor Vehicle Offenses in North Carolina*, rev. ed. (Institute of Government 1993)

DRUGS. See NARCOTIC AND OTHER DRUG VIOLATIONS

DUMPING OR LITTERING

1. Dumping of toxic substances	14-284.2	Imprisonment up to 10 years (presumptive 3), fine up to \$100,000 per day of violation (or both)	Class H Felony
2. Littering ³⁶			
A. 0-15 pounds and not for commercial purpose			
1. First offense	14-399(c)	Fine of \$100-\$500 ³⁷	Misdemeanor

35. See note 33.

36. G.S. 14-399(f1) provides that a person who is found guilty of any littering offense while using a motor vehicle will receive one driver's license point under G.S. 20-16(c). G.S. 14-399(g) provides further that a motor vehicle, vessel, etc., involved in the disposal of more than 500 pounds of litter is subject to forfeiture.

37. G.S. 14-399(c) provides that the court also may order the violator to pick up litter or perform other labor commensurate with the offense committed.

Crime	Source	Punishment	Grade
2. Subsequent offense	14-399(c)	Fine of \$100-\$1,000 ³⁸	Misdemeanor
B. More than 15 pounds but not exceeding 500 pounds and not for commercial purpose	14-399(d)	Fine of \$100-\$1,000 ³⁹	Misdemeanor
C. More than 500 pounds or in any quantity for commercial purposes	14-399(e)	Imprisonment up to 3 years (presumptive 1), fine (or both) ⁴⁰	Class J Felony
D. Hazardous waste	14-399(e)	Imprisonment up to 3 years (presumptive 1), fine (or both) ⁴¹	Class J Felony

EMBEZZLEMENT

1. By agent or fiduciary	14-90	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Of state property	14-91	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
3. By public officer or trustee	14-92	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
4. By treasurer of charitable or religious organization ⁴²	14-93, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. By officer of railroad company	14-94	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

38. See note 37.

39. G.S. 14-399(d) provides that the court also *shall* require the violator to pick up litter or perform other community service commensurate with the offense committed.

40. G.S. 14-399(e) provides that the court also may order the violator to remove the litter or render it harmless, repair or restore damaged property, pay damages, or perform community service.

41. See note 40.

42. This section creates two offenses applicable to financial officers of benevolent or religious institutions: (1) lending money without consent of the institution, and (2) failure to account for money. State v. Dunn, 138 N.C. 672, 50 S.E. 772 (1905).

	Crime	Source	Punishment	Grade
6.	By insurance agent	58-2-162	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
7.	By employee of local ABC board	18B-702(f), 14-90	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
8.	Appropriation of partnership funds by partner	14-97, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
9.	By surviving partner, with refusal to account for funds	14-98	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
9.	Of taxes, by public officer	14-99	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
10.	By employee	14-74	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

EMERGENCY. *See* RIOTS AND CIVIL DISORDERS

ESCAPE. *See also* WEAPONS OFFENSES—Dangerous weapon in prison

1. Escape or attempted escape from state prison system⁴³
 - A. By misdemeanor—first offense

	148-45(a)	Imprisonment for not less than 3 months nor more than 1 year	Misdemeanor
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 - B. By felon

	148-45(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
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 - C. Subsequent offense

	148-45(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
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43. Failure to return to the custody of the Department of Correction from work release or other temporary release is treated as escape, punishable under the applicable sections of G.S. 148-45. G.S. 148-45(g)(2) provides that if a person who would otherwise be guilty of a first violation of this section because of failure to return from temporary release voluntarily returns within 24 hours, he or she shall not be charged with escape. If a person commits a subsequent violation of this section, however, failure to return is an escape even if the person returns within 24 hours.

Crime	Source	Punishment	Grade
2. Escape from county or municipal jail			
A. While hired out	14-255, 14-3	Imprisonment up to 2 , years fine (or both)	Misdemeanor
B. From county or municipal facilities or officers	14-256, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. By felon, pending transfer to state prison system	14-256(1)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
D. By person serving sentence for felony	14-256(2)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
3. Permitting escape of or maltreating hired convicts	14-257, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Aiding escape			
A. From state prison system	148-45(d), 14-3	Imprisonment up to 2 years	Misdemeanor
B. Aiding escaped prisoners			
1. When prisoner is felon or charged with felony	14-259	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
2. When prisoner is misdemeanor or charged with misdemeanor	14-259, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Trading with prisoners ⁴⁴			
1. Trading ⁴⁵	14-258, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Trading when article conveyed to prisoner leads to murder, assault, or escape	14-258	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

44. As to conveying certain prohibited articles to prisoners or inmates of institutions, *see also* PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES.

45. G.S. 14-258 defines "trading" as (a) conveying messages to or from any convict, (b) conveying weapon or instrument of escape to any prisoner, (c) trading with convict for his or her clothing or for stolen goods, or (d) selling to a convict any article forbidden by prison rules.

Crime	Source	Punishment	Grade
ETHNIC INTIMIDATION ⁴⁶	14-401.14	Imprisonment up to 2 years, fine (or both)	Misdemeanor
EXPLOSIVE OR INCENDIARY DEVICE. <i>See also</i> ATTEMPT; CONSPIRACY; LARCENY AND RECEIVING; RIOTS AND CIVIL DISORDERS			
1. Malicious use of explosive or incendiary device			
A. To injure another	14-49(a), -49(c)	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
B. To damage property	14-49(b), -49(c)	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
C. To damage occupied property	14-49.1	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony
2. Exploding dynamite cartridge or bomb	14-283, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Unlicensed sale of explosives	14-284, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Violation of regulations governing sale of explosives	14-284.1	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
5. Making false report of destructive device			
A. In any structure	14-69.1(a), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. In hospital facility			
1. First offense	14-69.1(b), 14-3	Imprisonment up to 2 years, fine (or both); minimum of 100 hours community service	Misdemeanor

46. The constitutionality of statutes involving ethnic intimidation and related conduct has been the subject of litigation in other jurisdictions. *See* State v. Mitchell, 485 N.W.2d 807 (Wis. 1992) (finding scheme unconstitutional), *cert. granted*, 61 U.S.L.W. 3435 (U.S. Dec. 7, 1992) (No. 92-515); State v. Wyant, 597 N.E.2d 450 (Ohio 1992) (same); Richards v. State, 608 So.2d 917 (Fla. Ct. App. 1992) (same). *But see* State v. Plowman, 838 P.2d 558 (Or. 1992) (upholding scheme); Dobbins v. State, 605 So.2d 922 (Fla. Ct. App. 1992) (same). As yet there are no reported decisions on G.S. 14-401.14.

Crime	Source	Punishment	Grade
2. Subsequent offense	14-69.1(b)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
6. Perpetrating hoax by use of false bomb			
A. In any structure			
1. First offense	14-69.2(a), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Subsequent offense	14-69.2(b)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
B. In hospital facility			
1. First offense	14-69.2(b), 14-3	Imprisonment up to 2 years, fine, or both; minimum of 100 hours community service	Misdemeanor
2. Subsequent offense	14-69.2(b)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

EXTORTION.⁴⁷ *See also* BLACKMAIL

1. Extortion	14-118.4	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Threatening to damage computer or computer program with intent to extort	14-457	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
3. Threatening to tamper with food, drugs, or cosmetics with intent to extort	14-34.4(b)	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony

FALSE IMPRISONMENT. *See* KIDNAPPING AND ABDUCTION—False imprisonment

⁴⁷ Extortion 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 or her office. *See* State v. Pritchard, 107 N.C. 632, 12 S.E. 50 (1890); State v. Cansler, 75 N.C. 314 (1876).

Crime	Source	Punishment	Grade
FALSE PRETENSES AND CHEATS. <i>See also</i> FRAUD			
1. Obtaining property by false pretenses	14-100	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Obtaining signatures by false pretenses	14-101	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Obtaining advances by false promise to work	14-104	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
4. Obtaining advances by false written promise to pay out of designated property	14-105	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
5. Obtaining property by worthless check	14-106, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
6. Knowingly writing worthless check ⁴⁸			
A. Check for \$100 or less	14-107(1)	Imprisonment up to 30 days or fine up to \$50 ⁴⁹	Misdemeanor
B. Check over \$100 and less than \$2,000	14-107(2)	Imprisonment up to 6 months, fine up to \$250 (or both) ⁵⁰	Misdemeanor
C. Check over \$2,000	14-107	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
D. Check drawn on nonexistent account	14-107(3)	Imprisonment up to 2 years, fine up to \$1,000 (or both)	Misdemeanor
E. Check drawn on closed account	14-107(4)	Imprisonment up to 5 months, fine up to \$400 (or both)	Misdemeanor

48. G.S. 14-107 provides that the judge, in deciding to impose any sentence other than imprisonment, may require the defendant to make restitution to the victim for the amount of the check and to pay as part of the costs a witness fee for each prosecuting witness.

49. If the defendant has been convicted three times of violating G.S. 14-107, the court may treat all subsequent offenses as general misdemeanors under G.S. 14-3, punishable by imprisonment up to two years, a fine, or both. G.S. 14-107(1).

50. *See* note 49.

Crime	Source	Punishment	Grade
7. Defrauding innkeeper or restaurant owner	14-110	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
8. Obtaining merchandise on approval with intent to defraud	14-112	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
9. Obtaining money by false representation of physical defect	14-113	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
10. Obtaining or attempting to obtain goods through false telephone number, false credit number, or credit device ⁵¹	14-113.1, -113.6	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
11. Avoiding or attempting to avoid lawful charges for telecommunications services	14-113.4, -113.6	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
12. Participating in theft of telecommunications service	14-113.5, -113.6	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

FELON, BEING AN HABITUAL. *See* HABITUAL FELON

FIREARM, POSSESSION BY CONVICTED FELON. *See* WEAPONS OFFENSES—Possession of certain firearms by felon

FIREWORKS, MAKING, SELLING, OR USING	14-410, -415	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
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FORGERY. *See also* FRAUD

1. Common law forgery	common law, 14-3 ⁵²	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Bank notes, checks, securities	14-119	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

⁵¹. This statute does not apply to credit cards. G.S. 14-113.7A. *See also* FRAUD—Financial transaction card fraud.

⁵². This punishment is appropriate unless the offense is deemed a Class H felony under G.S. 14-3(b). *See* State v. Glidden, 317 N.C. 557, 346 S.E.2d 470 (1986) (discusses test for determining whether an offense is infamous, done in secrecy and malice, or committed with deceit and intent to defraud).

Crime	Source	Punishment	Grade
3. Uttering forged instruments	14-120	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
4. Forging endorsement	14-120	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
5. Uttering instrument with forged endorsement	14-120	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
6. Selling forged securities	14-121	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
7. Deed, will, etc.	14-122	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
8. Falsifying documents issued by school or government agency	14-122.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
9. Corporate stock certificates	14-124	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
10. Uttering forged stock certificates	14-124	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
11. Financial transaction card	14-113.11, -113.17(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
12. Criminal possession of financial-transaction-card forgery devices	14-113.14, -113.17(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
FORNICATION AND ADULTERY	14-184	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

FRAUD. *See also* ARSON; FALSE PRETENSES AND CHEATS; FORGERY; PERJURY

1. Financial transaction card fraud

A. When value obtained in 6-month period is \$500 or less	14-113.13, -113.17(a)	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
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Crime	Source	Punishment	Grade
B. When value obtained in 6-month period exceeds \$500	14-113.13, -113.17(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
C. False statement on application for card	14-113.13(c), -113.17(a)	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
D. False record of sale submitted by person authorized to accept financial transaction card	14-113.13(c1) -113.17(a)	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
E. False report of loss of card	14-113.13(d), -113.17(a)	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
F. Criminal receipt of goods or services obtained by financial transaction card fraud			
1. When value obtained in 6-month period is \$500 or less	14-113.15, -113.17(a)	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
2. When value obtained in 6-month period exceeds \$500	14-113.15, -113.17(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
G. Criminal factoring of financial transaction card records	14-113.15A, -113.17(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
2. Fraudulent disposal of collateral	14-114	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
3. Fraudulent purchase of collateral	14-114	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
4. Secreting property to hinder enforcement of security interest	14-115	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
5. Simulation of court process in connection with collection of claim, demand, or account	14-118.1	Imprisonment up to 6 months, fine up to \$200 (or both)	Misdemeanor
6. Assisting in obtaining academic credit by fraudulent means	14-118.2	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

Crime	Source	Punishment	Grade
7. Unauthorized interception of cable television service	14-118.5(a)	Imprisonment up to 30 days, fine up to \$500 (or both)	Misdemeanor
8. Unauthorized sale of decoder for cable television signal	14-118.5(b)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
9. Renting equipment or vehicle with intent to defraud	14-168	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
10. Failing to return rented equipment, on which there is purchase option, with intent to defeat owner's rights	14-168.4	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
11. Medicaid fraud			
A. By provider	108A-63	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
B. By recipient	108A-64		
1. If value wrongfully received is \$400 or less		Imprisonment up to 2 years, fine up to \$500 (or both)	Misdemeanor
2. If value wrongfully received exceeds \$400		Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
12. Welfare fraud			
A. If value wrongfully received is \$400 or less	108A-39, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. If value wrongfully received exceeds \$400	108A-39	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
13. Food stamp fraud			
A. Fraudulently obtaining or transferring food stamps			
1. If value wrongfully received is \$2,000 or less	108A-53(a), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

Crime	Source	Punishment	Grade
2. If value wrongfully received exceeds \$2,000	108A-53(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony ⁵³
B. Presenting fraudulently obtained food stamps	108A-53(b), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Receiving fraudulently obtained food stamps	108A-53(c), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

GAMBLING. *See* LOTTERIES AND GAMBLING

GLUE SNIFFING. *See* NARCOTIC AND OTHER DRUG VIOLATIONS—Violation of Toxic Vapors Act

GOING ARMED TO TERROR OF PEOPLE	common law, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
HABITUAL FELON ⁵⁴	14-7.1 to -7.6	Imprisonment up to 50 years or for life (presumptive 15), or imprisonment and fine ⁵⁵	Class C Felony
HARASSING PHONE CALLS	14-196, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

HAZING

1. Hazing	14-35	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
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53. G.S. 108A-53(a) provides that a person convicted of this offense "shall be guilty of a felony and shall be punished as in cases of larceny." G.S. 14-72 provides that felonious larceny is a Class H felony.

54. Being an habitual felon is not a crime. It is a status that subjects the defendant to an enhanced punishment upon conviction of a felony. *State v. Allen*, 292 N.C. 431, 233 S.E.2d 585 (1977). Upon conviction as an habitual felon, the defendant is sentenced as a Class C felon *for the underlying felony*. *State v. Aldridge*, 67 N.C. App. 655, 314 S.E.2d 139 (1984).

55. G.S. 14-7.6 provides that a person sentenced under Article 2A as an habitual felon must receive a sentence of at least 14 years imprisonment and that the defendant must actually serve not less than 7 years in prison, excluding gain time. The sentence may not be suspended, and the person may not be placed on probation. Sentences imposed under Article 2A must run consecutively with and begin at the expiration of any sentence being served by the defendant at the time of sentencing. However, when two or more violations are being disposed of in the same proceeding, the court is not required to, although it may, impose consecutive sentences. *See State v. Thomas*, 85 N.C. App. 319, 354 S.E.2d 891 (1987) (construing identical consecutive sentencing provisions under G.S. 14-87); *State v. Crain*, 73 N.C. App. 269, 326 S.E.2d 120 (1985) (same).

Crime	Source	Punishment	Grade
2. Failure to expel student convicted of hazing	14-36, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

HIGHWAYS. *See* DUMPING OR LITTERING; LIQUOR LAW VIOLATIONS; MOTOR VEHICLE OFFENSES; OBSTRUCTING HIGHWAY; ORDINANCE VIOLATION

HIT-AND-RUN DRIVING

For a listing of punishments for motor vehicle offenses, *see* Ben F. Loeb, Jr., & James C. Drennan, *Punishment Chart for Motor Vehicle Offenses in North Carolina*, rev. ed. (Institute of Government 1993)

HOMICIDE. *See* MANSLAUGHTER; MURDER; DEATH BY VEHICLE

IMPERSONATION

1. Impersonation of fireman or emergency medical personnel	14-276.1	Imprisonment up to 30 days	Misdemeanor
2. Representing self as law-enforcement officer	14-277(a), -277(d) 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Representing self as law-enforcement officer and acting as such	14-277(b), -277(d)	Imprisonment for not less than 72 hours nor more than 2 years ⁵⁶	Misdemeanor
4. Impersonation of city, county, or state employee	14-277(e), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

INCENDIARY DEVICE. *See* EXPLOSIVE OR INCENDIARY DEVICE

INCEST

1. Between certain near relatives ⁵⁷	14-178	Imprisonment up to 15 years (presumptive 4½, fine (or both))	Class G Felony
2. Between uncle and niece or aunt and nephew	14-179, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

56. The term of imprisonment may be suspended on condition that the defendant (1) be imprisoned for at least 72 hours as a condition of special probation; (2) performs community service for 72 hours; (3) pays a fine; or (4) any combination of these conditions. The judge may also impose any other lawful condition of probation.

57. G.S. 14-178 defines near relatives as grandparent and grandchild, parent and child, parent and stepchild or legally adopted child, and brother and sister of the whole or half blood.

Crime	Source	Punishment	Grade
INCITING TO RIOT. <i>See</i> RIOTS AND CIVIL DISORDERS—Inciting to riot			
INDECENT EXPOSURE			
1. Indecent exposure	14-190.9	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
2. Permitting use of premises for indecent exposure	14-190.9	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
INDECENT LIBERTIES. <i>See</i> MINORS, OFFENSES AGAINST—Taking indecent liberties with children			
INJUNCTION, VIOLATION OF. <i>See</i> CONTEMPT OF COURT—Criminal contempt generally; RIOTS AND CIVIL DISORDERS—Violation of emergency proclamation			
INVOLUNTARY MANSLAUGHTER. <i>See</i> MANSLAUGHTER			
KIDNAPPING AND ABDUCTION			
1. Kidnapping			
A. First degree	14-39	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony
B. Second degree	14-39	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
2. False imprisonment	common law, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Abduction of child under 14	14-41	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
4. Involuntary servitude	14-43.2	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
5. Felonious restraint	14-43.3	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
6. Taking of hostage by prisoner	14-258.3	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

Crime	Source	Punishment	Grade
7. Transporting child outside state with intent to violate custody order	14-320.1	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony

LARCENY AND RECEIVING. *See also* FRAUD

1. Larceny

A. Of goods valued over \$1,000	14-70, -72(a)	Imprisonment up to 10 years (presumptive 3), fine (or both) ⁵⁸	Class H Felony
B. From person	14-70, -72(a), -72(b)(1)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Pursuant to burglary or breaking or entering in violation of 14-51, -53, -54 or -57	14-70, -72(a), -72(b)(2)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
D. Of explosive or incendiary device or substance	14-70, -72(a), -72(b)(3)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
E. Of firearm	14-70, -72(a), -72(b)(4)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
F. Of record or paper in custody of State Archives	14-70, -72(a), -72(b)(5)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
G. Of goods valued up to \$1,000	14-72(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
H. Shoplifting ⁵⁹			
1. Willful concealment of merchandise	14-72.1(a), -72.1(e)		Misdemeanor

58. G.S. 14-86.1 provides that all conveyances used in the commission of larceny when the value of property taken exceeds \$2,000 are subject to forfeiture, with certain conditions set out in the statute.

59. G.S. 14-72.1(g) sets out three limitations on terms of active imprisonment imposed for this offense. First, the court may not give credit for the first 24 hours the defendant spends in jail awaiting trial. Second, neither good time nor gain time may be used to reduce the term of imprisonment below the mandatory minimum period set out above. Finally, the defendant may not be released or paroled until he or she has actually served the mandatory minimum term of imprisonment. The term of imprisonment may be suspended, however, under certain conditions depending on the particular offense. *See* notes 60-67.

Crime	Source	Punishment	Grade
A. First offense		Imprisonment for 24 hours to 60 days; ⁶⁰ may be fined up to \$100	
B. Second offense within 3 years of conviction of first offense		Imprisonment for 72 hours to 6 months; ⁶¹ may be fined up to \$500	
C. Subsequent offense within 5 years of 2 prior convictions		Imprisonment for 14 days to 2 years; ⁶² may be fined	
D. Subsequent conviction not falling into above categories		Imprisonment for 24 hours to 60 days; ⁶³ may be fined up to \$100	
2. Switching price tags	14-72.1(d), -72.1(e)		Misdemeanor
A. First offense		Imprisonment for 24 hours to 60 days; ⁶⁴ may be fined up to \$100	

60. The term of imprisonment may be suspended only on condition that defendant perform at least 24 hours of community service. If the judge finds that the defendant is unable to perform community service because of mental or physical infirmity, however, the judge may pronounce such other sentence as he or she finds "appropriate," provided the judge sets out the reasons for this finding in the judgment. G.S. 14-72.1(e).

61. The term of imprisonment may be suspended only on condition that defendant be imprisoned for at least 72 hours as a condition of special probation, that defendant perform community service for at least 72 hours, or both. This restriction does not apply, however, if the defendant suffers from a physical or mental infirmity causing him or her to be incapable of performing community service. *See* note 60.

62. The term of imprisonment may be suspended only if one condition of special probation is that defendant be imprisoned for at least 14 days.

63. The term of imprisonment may be suspended only on condition that defendant perform at least 24 hours of community service. This restriction does not apply, however, if the defendant suffers from a physical or mental infirmity making him incapable of performing community service. *See* note 60.

64. The term of imprisonment may be suspended only on condition that defendant perform at least 24 hours of community service. If the judge finds that the defendant is unable to perform community service because of mental or physical infirmity, however, the judge may pronounce such other sentence as he or she finds "appropriate," provided the judge sets out the reasons for this finding in the judgment. G.S. 14-72.1(e).

Crime	Source	Punishment	Grade
B. Second offense within 3 years of conviction of first offense		Imprisonment for 72 hours to 6 months; ⁶⁵ may be fined up to \$500	
C. Third or subsequent offense within 5 years of 2 prior convictions		Imprisonment for 14 days to 2 years; ⁶⁶ may be fined	
D. Subsequent conviction not falling into above categories		Imprisonment for 24 hours to 60 days; ⁶⁷ may be fined up to \$100	
I. Unauthorized use of motor conveyance			
1. Motor vehicle, boat, or other motor-propelled conveyance	14-72.2(a), -72.2(b)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Aircraft	14-72.2(b)	Imprisonment up to 5 years, (presumptive 2), fine (or both)	Class I Felony
J. By employee	14-74	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
K. Of secret technical processes	14-75.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
L. Of public records or papers	14-76, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
M. Of will	14-77, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

65. The term of imprisonment may be suspended only on condition that defendant be imprisoned for at least 72 hours as a condition of special probation, that defendant perform community service for at least 72 hours, or both. This restriction does not apply, however, if the defendant suffers from a physical or mental infirmity causing him or her to be incapable of performing community service. See note 64.

66. The term of imprisonment may be suspended only if one condition of special probation is that defendant be imprisoned for at least 14 days.

67. The term of imprisonment may be suspended only on condition that defendant perform at least 24 hours of community service. This restriction does not apply, however, if the defendant suffers from a physical or mental infirmity making him incapable of performing community service. See note 64.

Crime	Source	Punishment	Grade
N. Of horses, mules, swine, or cattle	14-81	Imprisonment up to 10 years (presumptive 3), fine (or both) ⁶⁸	Class H Felony
O. Of a dog	14-81	Imprisonment up to 3 years (presumptive 1), fine (or both) ⁶⁹	Class J Felony
P. Credit card theft. <i>See</i> CREDIT CARD THEFT			
2. Receiving			
A. Stolen goods with value over \$1,000	14-71, -72(a)	Imprisonment up to 10 years (presumptive 3), fine (or both) ⁷⁰	Class H Felony
B. Goods stolen from a person	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Goods stolen pursuant to breaking or entering or burglary in violation of G.S. 14-51, -53, -54, or -57	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
D. Stolen explosive or incendiary device	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
E. Stolen firearm	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
F. Stolen record or paper in custody of State Archives	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
G. Stolen goods valued up to \$1,000	14-71, -72(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
H. Stolen vehicle	20-106	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

68. The minimum sentence for this offense is probation subject to the following conditions: (1) restitution for damage or loss caused by the larceny, and (2) fine of not less than amount of damages or loss caused by the larceny.

69. *See* note 68.

70. *See* note 58.

Crime	Source	Punishment	Grade
3. Possession			
A. Of stolen goods with value over \$1,000	14-71.1, -72(a)	Imprisonment up to 10 years (presumptive 3), fine (or both) ⁷¹	Class H Felony
B. Of goods stolen from a person	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Of goods stolen pursuant to breaking or entering or burglary in violation of G.S. 14-51, -53, -54, or -57	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
D. Of stolen explosive or incendiary device	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
E. Of stolen firearm	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
F. Of stolen record or paper in custody of State Archives	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
G. Of stolen goods valued up to \$1,000	14-71.1, -72(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
H. Of stolen vehicle	20-106	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

LIBEL AND SLANDER

1. Communicating libelous matter to newspaper	14-47	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
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⁷¹. See note 58.

Crime	Source	Punishment	Grade
LIQUOR LAW VIOLATIONS			
1. Manufacture, sale, transport, import, export, delivery, furnishing, purchase, consumption, or possession of alcoholic beverages except as authorized by Ch. 18B ⁷⁴	18B-102	Imprisonment up to 2 years, fine (or both) ⁷³	Misdemeanor ⁷²
2. Possession, transportation, or sale of nontaxpaid alcoholic beverages	18B-111, -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Consumption of wine or beer on premises having only off-premises permit	18B-300(b), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Consumption of fortified wine, spirituous liquor, or mixed beverage on public road or sidewalk	18B-301(f)(1)(c), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Displaying fortified wine, spirituous liquor, mixed beverage at athletic contest	18B-301(f)(2), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
6. Possession or consumption of fortified wine, spirituous liquor, or mixed beverage on unauthorized premises	18B-301(f)(4), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
7. Sale of alcoholic beverage to person under 21	18B-302(a), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Offenses by persons under 21			
A. Purchase or possession of beer or unfortified wine by 19- or 20-year-old person	18B-302(b), -302(i)	Fine up to \$25	Infraction ⁷⁵
B. Purchase or possession of beer or unfortified wine by person under 19	18B-302(b), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor

72. G.S. 18B-102(b) provides that a violation of Chapter 18B is a misdemeanor "[u]nless a different punishment is otherwise expressly stated."

73. In addition to fine and imprisonment, G.S. 18B-102(b) provides that the court may impose the provisions of G.S. 18B-202 (removal from office or discharge from employment of any commission or local board member or employee or ALE agent convicted of violation of Chapter 18B), 18B-503 (sale or destruction of seized beverages), 18B-504 (forfeiture of property connected to offense), and 18B-505 (restitution to law enforcement agency for expenses incurred in purchasing beverages as part of investigation). G.S. 18B-104 authorizes certain administrative penalties for violation of the ABC laws by a permittee.

74. "Alcoholic beverage" is defined as a beverage containing at least 0.5 percent alcohol by volume, including malt beverages, unfortified wine, spiritous liquor, and mixed beverages. G.S. 18B-101(4).

75. Court costs may not be assessed in connection with this infraction.

Crime		Source	Punishment	Grade
C.	Purchase or possession of fortified wine or spirituous liquor by person under 21	18B-302(b), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
9.	Purchase or sale of alcoholic beverage in amount greater than authorized by statute	18B-303, -403, -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
10.	Sale of alcoholic beverage without permit	18B-304, -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
11.	Manufacture of alcoholic beverage without permit			
A.	First offense	18B-307(b), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B.	Second offense	18B-307(b), -307(c)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
12.	Transportation of unauthorized amount of alcoholic beverage	18B-406 -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
13.	Open bottle of fortified wine or spirituous liquor in motor vehicle	18B-401(a)	Imprisonment up to 30 days, fine of \$25-\$500 (or both)	Misdemeanor
14.	Consumption of wine or beer by driver of motor vehicle	18B-401(a)	Imprisonment up to 30 days, fine of \$25-\$500 (or both)	Misdemeanor

LITTERING. *See* DUMPING OR LITTERING

LOOTING. *See* RIOTS AND CIVIL DISORDERS—Looting

LOTTERIES AND GAMBLING⁷⁶

1.	Promoting or conducting unauthorized lottery or raffle ⁷⁷	14-290	Imprisonment up to 6 months, fine up to \$2,000 (or both)	Misdemeanor
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76. G.S. 14-299 provides for the seizure and sale or destruction of gambling equipment used in certain illegal operations.

77. G.S. 14-291.2(a) provides that any person who promotes or participates in a pyramid scheme "shall be deemed to have participated in a lottery and shall be punished as provided for in G.S. 14-290." G.S. 14-291.2(c) provides that a superior court judge may enjoin the continuation of such a scheme and may assess civil penalties and attorney's fees in such a case upon certain findings. The court also has authority under G.S. 14-291.2(c) to appoint a receiver to secure assets obtained by defendant through his or her participation in the scheme.

Crime	Source	Punishment	Grade
2. Possession of unauthorized lottery tickets	14-290	Imprisonment up to 6 months, fine (or both)	Misdemeanor
3. Selling lottery tickets	14-291, -290	Imprisonment up to 6 months, fine up to \$2,000 (or both)	Misdemeanor
4. Selling "numbers" tickets	14-291.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Gambling	14-292, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
6. Allowing gambling in houses of entertainment	14-293	Imprisonment for not less than 6 months and fine of not less than \$500 ⁷⁸	Misdemeanor
7. Gaming tables, illegal punchboards, and slot machines			
A. Keeping	14-295	Imprisonment for not less than 30 days and fine of not less than \$200	Misdemeanor
B. Playing	14-295	Fine of not less than \$10	Misdemeanor
8. Operating or possessing slot machine	14-301, -303, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

MAIMING. *See* ASSAULT—Malicious maiming

MANSLAUGHTER

1. Voluntary	14-18	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
2. Involuntary	14-18	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

78. G.S. 14-293 also provides that any person convicted of this offense shall forfeit his or her license to do business and forever be barred from doing any of the businesses set out in the statute.

Crime	Source	Punishment	Grade
MINORS, OFFENSES AGAINST. ⁷⁹ <i>See also</i> ABANDONMENT AND NONSUPPORT; CHILD ABUSE; KIDNAPPING AND ABDUCTION; OBSCENITY; RAPE AND OTHER SEXUAL OFFENSES			
1. Material harmful to minors			
A. Displaying	14-190.14	Imprisonment up to 6 months and fine of not less than \$500 ⁸⁰	Misdemeanor
B. Disseminating	14-190.15(a), -190.15(d)	Imprisonment up to 2 years and fine	Misdemeanor
2. Exhibiting harmful performance to minor	14-190.15(b), -190.15(d)	Imprisonment up to 2 years and fine	Misdemeanor
3. Sexual exploitation of minor			
A. First degree	14-190.16	Imprisonment up to 15 years (presumptive and minimum 6), or imprisonment and fine ⁸¹	Class G Felony
B. Second degree	14-190.17	Imprisonment up to 10 years (presumptive and minimum 4), or imprisonment and fine ⁸²	Class H Felony
C. Third degree	14-190.17A	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony

79. When an offense involves physical, mental, or sexual abuse of a minor, the court may require the defendant to pay the cost of rehabilitative treatment for the child as a special condition of probation. G.S. 15A-1343(b)(9).

80. G.S. 14-190.14(b) provides that each day's violation of this section is a separate offense.

81. Unless sentenced as a committed youthful offender, a person convicted of this offense must receive a sentence of 6 years and must actually be imprisoned for at least 3 years, excluding gain time. The sentence may not be suspended, and the defendant may not be placed on probation. A sentence imposed under this section must run consecutively with, and begin at the expiration of, any other sentence being served by the defendant. However, when two or more violations are being disposed of in the same proceeding, the sentencing court is not required to, although it may, impose consecutive sentences. *See State v. Thomas*, 85 N.C. App. 319, 354 S.E.2d 891 (1987) (construing identical consecutive sentencing provisions under G.S. 14-87); *State v. Crain*, 73 N.C. App. 269, 326 S.E.2d 120 (1985) (same).

82. The same conditions apply to this sentence as those set out in note 81, except that the minimum sentence is 4 years and the person convicted must actually serve 2 years.

Crime	Source	Punishment	Grade
4. Prostitution of minor			
A. Promoting	14-190.18	Imprisonment up to 15 years (presumptive and minimum 6), or imprisonment and fine ⁸³	Class G Felony
B. Participating in	14-190.19	Imprisonment up to 10 years (presumptive and minimum 4), or imprisonment and fine ⁸⁴	Class H Felony
5. Taking indecent liberties with children	14-202.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
6. Permitting child under 12 to use dangerous firearm	14-316	Imprisonment up to 30 days, or fine up to \$50	Misdemeanor
7. Contributing to delinquent, undisciplined, abused, or neglected condition of juvenile	14-316.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Transporting child outside state with intent to violate custody order	14-320.1	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony

MISCONDUCT IN PUBLIC OFFICE

1. Buying or selling public office	14-228, 14-3	Imprisonment up to 2 years, fine (or both); forfeiture of office	Misdemeanor
2. Willful failure by public officer to discharge duties	14-230, 14-3	Imprisonment up to 2 years or fine; removal from office	Misdemeanor
3. Misuse of confidential information	14-234.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Allowing prisoner to escape	14-239, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Failing to return process or making false return	14-242, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

83. The same conditions apply to this sentence as those set out in note 81.

84. The same conditions set out in note 81 apply to this sentence, except that the minimum sentence is 4 years and the person convicted must actually serve 2 years.

Crime	Source	Punishment	Grade
6. Private use of public vehicle	14-247, -251	Imprisonment up to 6 months, fine of not less than \$100 nor more than \$500 (or both)	Misdemeanor

MORTGAGED PROPERTY, DISPOSAL. *See* FRAUD—Fraudulent disposal of collateral

MOTOR VEHICLE OFFENSES. *See also* DEATH BY VEHICLE; DUMPING OR LITTERING; RACING

For a listing of punishments for motor vehicle offenses, *see* Ben F. Loeb, Jr., & James C. Drennan, *Punishment Chart for Motor Vehicle Offenses in North Carolina*, rev. ed. (Institute of Government, 1993)

MUNICIPAL ORDINANCE. *See* ORDINANCE VIOLATION

MURDER

1. First degree	14-17	Death ⁸⁵ or life imprisonment	Class A Felony
2. Second degree	14-17	Imprisonment up to 50 years or for life (presumptive 15), or fine (or both)	Class C Felony

85. *See* G.S. 15A-2000 to -2003. First degree murder committed by a person under 17 years of age at the time of the offense is punishable by life imprisonment. If the offense is committed while the person is serving a prison sentence for a prior murder, however, or while the person is on escape from such a sentence, the offense is punishable by death or life imprisonment. G.S. 14-17.

Crime	Source	Punishment	Grade
NARCOTIC AND OTHER DRUG VIOLATIONS⁸⁶			
1. Violation of Controlled Substances Act⁸⁷			
A. Possession of controlled substance	90-95(a)(3)		
1. Schedule I	90-95(d)(1)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
2. Schedule II-IV	90-95(d)(2)		
a. Small quantities, except cocaine		Imprisonment up to 2 years, fine up to \$2,000 (or both)	Misdemeanor
b. Large quantities or any quantity of cocaine		Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Schedule V	90-95(d)(3)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

86. G.S. 90-96 and 90-113.14 contain special provisions for sentencing first time misdemeanant offenders convicted of violating the Controlled Substances Act, the Toxic Vapors Act, or the Drug Paraphernalia Act.

87. Several statutory provisions apply to any violation of the Controlled Substances Act:

- A. G.S. 90-95(e) provides for increased punishment for any violation of the Act as follows:
 - 1. If the offense is punishable by imprisonment for up to 2 years and the defendant has previously been convicted under state or federal law of an offense punishable under the Act, the defendant shall be punished as a Class I felon (imprisonment up to 5 years, presumptive 2, fine, or both). If the offense is punishable by imprisonment for up to 6 months, and the defendant has a prior conviction as set out above, the defendant is guilty of a misdemeanor and shall be sentenced to imprisonment for up to 2 years, or fined up to \$2,000, or both. If the offense requires a suspended sentence and the defendant has a prior conviction as set out above, he or she is guilty of a misdemeanor and shall be sentenced to imprisonment for up to 6 months, a fine of up to \$500, or both.
 - 2. For the purpose of increasing punishment, prior convictions are counted by the number of separate trials at which final convictions were obtained, not by the number of charges at a single trial.
- B. G.S. 90-95(f) provides that a person convicted of an offense under the Controlled Substances Act who is sentenced to an active term of imprisonment less than the maximum term that could have been imposed may also be sentenced to special probation to follow the active sentence for a period up to five years. Upon revocation of special probation, the original term of imprisonment may be increased by no more than the difference between the active term of imprisonment served and the maximum active term that could have been imposed.
- C. G.S. 90-95.3 authorizes the court to order a person convicted of a violation of the Act to make restitution to any law enforcement agency for reasonable expenditures made in buying controlled substances from the defendant, and to the State of North Carolina in the amount of \$100 for the expense of analysing any controlled substance, when such expenses were incurred as part of an investigation leading to the defendant's conviction.

Crime	Source	Punishment	Grade
4. Schedule VI	90-95(d)(4)		
a. Up to ½ oz. marijuana, or 1/20 oz. hashish		Imprisonment up to 30 days, fine up to \$100 (or both) ⁸⁸	Misdemeanor
b. More than ½ oz. marijuana, or 1/20 oz. hashish		Imprisonment up to 2 years, fine (or both)	Misdemeanor
c. More than 1½ oz. marijuana, or 3/20 oz. hashish or other specified synthetic substance		Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
5. Possession of controlled substance in prison or jail	90-95(a)(3), -95(e)(9)	Imprisonment up to 5 years (presumptive and minimum 2), fine (or both) ⁸⁹	Class I Felony
B. Manufacture, sale, delivery, or possession with intent to manufacture, sell, or deliver controlled substance			
1. Schedule I or II	90-95(a)(1), -95(b)(1)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Schedule III-IV ⁹⁰	90-95(a)(1), -95(b)(2)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

88. Any sentence of imprisonment must be suspended and the sentencing judge may not impose a period of imprisonment as a special condition of probation. G.S. 90-95(d)(4).

89. G.S. 90-95(e)(9) provides that the mandatory minimum term of two years may not be suspended and that any sentence must run consecutively with any sentence already being served. However, when two or more violations are being disposed of in the same proceeding, the court is not required to, although it may, impose consecutive sentences. *See State v. Thomas*, 85 N.C. App. 319, 354 S.E.2d 891 (1987) (construing similar consecutive sentencing provisions under G.S. 14-87); *State v. Crain*, 73 N.C. App. 269, 326 S.E.2d 120 (1985) (same).

90. G.S. 90-95(b)(2) provides that the transfer of less than 5 grams of marijuana for no remuneration does not constitute a delivery in violation of G.S. 90-95(a)(1).

Crime	Source	Punishment	Grade
3. Within 300 feet of elementary or secondary school by person 21 or older ⁹²	90-95(a)(1), -95(e)(8)	Imprisonment up to 30 years (presumptive 9), fine (or both) ⁹¹	Class E Felony
4. Sale or delivery by person 18 or older to person under 16 years of age or pregnant female	90-95(a)(1), -95(e)(5)	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
5. Hiring minor to violate 90-95(a)(1)			
a. When person hiring minor is at least 18 but less than 21 years old	90-95.4(a)	Felony one class more severe than violation for which minor was hired	-----
b. When person hiring minor is 21 years old or more	90-95.4(b)	Felony two classes more severe than violation for which minor was hired	-----
C. Creation, sale, delivery, or possession with intent to sell or deliver a counterfeit controlled substance	90-95(a)(2), -95(c)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
D. Precursor chemicals			
1. Possession with intent to manufacture controlled substance	90-95(d1)(1)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Possession or distribution with knowledge that precursor chemical will be used to manufacture controlled substance	90-95(d2)(2)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

91. G.S. 90-95(e)(8) provides that a person sentenced under this section must serve a mandatory term of imprisonment of no less than two years, notwithstanding the provisions of G.S. 90-95(h)(5) or any other law. The mandatory two-year term may not be suspended; nor may the person be placed on probation during the mandatory two-year term. G.S. 90-95(e)(8).

92. G.S. 90-95(e)(8) provides that the transfer of less than 5 grams of marijuana for no remuneration does not constitute a delivery in violation of G.S. 90-95(a)(1).

Crime	Source	Punishment	Grade
E. Trafficking (including trafficking conspiracy) ⁹³	90-95(h), -95(i) ⁹⁴		
1. In marijuana			
a. More than 50 and less than 100 pounds	90-95(h)(1)a.	Imprisonment up to 10 years, 5 years minimum, and fine of not less than \$5,000	Class H Felony
b. 100-1,999 pounds	90-95(h)(1)b.	Imprisonment up to 15 years, 7 years minimum, and fine of not less than \$25,000	Class G Felony
c. 2,000-9,999 pounds	90-95(h)(1)c.	Imprisonment up to 20 years, 14 years minimum, and fine of not less than \$50,000	Class F Felony
d. 10,000 pounds or more	90-95(h)(1)d.	Imprisonment up to 40 years, 35 years minimum, and fine of not less than \$200,000	Class D Felony
2. In methaqualone			
a. 1,000-4,999 dosage units	90-95(h)(2)a.	Imprisonment up to 15 years, 7 years minimum, and fine of not less than \$25,000	Class G Felony

93. G.S. 90-95(h)(5) provides that a person convicted of trafficking and sentenced as a committed youthful offender is eligible for release or parole no earlier than he or she would have been if sentenced as a regular offender. The judge may not suspend the sentence of a person convicted of trafficking or place the defendant on probation, absent a finding that the defendant provided "substantial assistance" in the prosecution of others involved. G.S. 90-95(h)(6) provides that sentences imposed under G.S. 90-95(h) must run consecutively with, and begin at the expiration of, any other sentence being served by the defendant. However, when two or more violations are being disposed of in the same proceeding, the court is not required to, although it may, impose consecutive sentences. *See State v. Thomas*, 85 N.C. App. 319, 354 S.E.2d 891 (1987) (construing identical consecutive sentencing provisions under G.S. 14-87); *State v. Crain*, 73 N.C. App. 269, 326 S.E.2d 120 (1985) (same).

94. G.S. 90-95(i) provides that the punishment for a trafficking offense also applies to conspiracy to commit a trafficking offense. A trafficking-conspiracy offense is subject to a limitation not applicable to other trafficking offenses, however. *State v. Worthington*, 84 N.C. App. 150, 352 S.E.2d 695 (1987), held that a defendant may not be convicted of both a trafficking conspiracy to possess a controlled substance and a trafficking conspiracy to sell a controlled substance when the evidence shows only *one* agreement, even though the agreement involves more than one substantive offense. *Compare State v. Perry*, 316 N.C. 87, 340 S.E.2d 450 (1986) (approving separate charges and convictions for trafficking by possession, trafficking by manufacturing, and trafficking by transporting, even when the same contraband material is used in each offense).

Crime	Source	Punishment	Grade
b. 5,000–9,999 dosage units	90-95(h)(2)b.	Imprisonment up to 20 years, 14 years minimum, and fine of not less than \$50,000	Class F Felony
c. 10,000 or more dosage units	90-95(h)(2)c.	Imprisonment up to 40 years, 35 years minimum, and fine of not less than \$200,000	Class D Felony
3. In cocaine			
a. 28–199 grams	90-95(h)(3)a.	Imprisonment up to 15 years, 7 years minimum, and fine of not less than \$50,000	Class G Felony
b. 200–399 grams	90-95(h)(3)b.	Imprisonment up to 20 years, 14 years minimum, and fine of not less than \$100,000	Class F Felony
c. 400 grams or more	90-95(h)(3)c.	Imprisonment up to 40 years, 35 years minimum, and fine of not less than \$250,000	Class D Felony
4. In amphetamine			
a. 1,000–4,999 dosage units	90-95(h)(3a)a.	Imprisonment up to 15 years, 7 years minimum, and fine of not less than \$25,000	Class G Felony
b. 5,000–9,999 dosage units	90-95(h)(3a)b.	Imprisonment up to 20 years, 14 years minimum, and fine of not less than \$50,000	Class F Felony
c. 10,000 or more dosage units	90-95(h)(3a)c.	Imprisonment up to 40 years, 35 years minimum, and fine of not less than \$200,000	Class D Felony
5. In methamphetamine			
a. 28–199 grams	90-95(h)(3b)a.	Imprisonment up to 15 years, 7 years minimum, and fine of not less than \$50,000	Class G Felony

Crime	Source	Punishment	Grade
b. 200–399 grams	90-95(h)(3b)b.	Imprisonment up to 20 years, 14 years minimum and fine of not less than \$100,000	Class F Felony
c. 400 grams or more	90-95(h)(3b)c.	Imprisonment up to 40 years, 35 years minimum, and fine of not less than \$250,000	Class D Felony
6. In opium or heroin			
a. 4–13 grams	90-95(h)(4)a.	Imprisonment up to 20 years, 14 years minimum, and fine of not less than \$50,000	Class F Felony
b. 14–27 grams	90-95(h)(4)b.	Imprisonment up to 30 years, 18 years minimum, and fine of not less than \$100,000	Class E Felony
c. 28 grams or more	90-95(h)(4)c.	Imprisonment up to 50 years or for life, 45 years minimum, and fine of not less than \$500,000	Class C Felony
7. In LSD			
a. 100–499 dosage units	90-95(h)(4a)a.	Imprisonment up to 15 years, 7 years minimum, and fine of not less than \$25,000	Class G Felony
b. 500–999 dosage units	90-95(h)(4a)b.	Imprisonment up to 20 years, 14 years minimum, and fine of not less than \$50,000	Class F Felony
c. 1,000 or more dosage units	90-95(h)(4a)c.	Imprisonment up to 40 years, 35 years minimum, and fine of not less than \$200,000	Class D Felony
F. Continuing criminal enterprise	90-95.1	Imprisonment up to 50 years or for life (presumptive 15), fine (or both); forfeiture of enterprise profits and other property set out in statute	Class C Felony

Crime	Source	Punishment	Grade
G. Other prohibited acts ⁹⁵			
1. Obtaining controlled substance by fraud or deception	90-108(a)(10)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony ⁹⁶
2. Maintaining building or vehicle for use by persons violating Act, or for keeping or selling controlled substance	90-108(a)(7), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor ⁹⁷
3. Impersonating a licensed practitioner	90-108(a)(1), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor ⁹⁸
4. Unlawful distribution by registrant or practitioner	90-108(a)(2), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor ⁹⁹
5. Failure to keep or furnish records required by Act	90-108(a)(5), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor ¹⁰⁰
6. Violation of registration provisions relating to authorized manufacture and distribution	90-108(a)(3), -108(a)(8), -108(a)(9), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor ¹⁰¹

95. G.S. 90-108(b) provides that 'if the criminal pleading alleges that the violation was committed intentionally, and upon trial it is specifically found that the violation was committed intentionally, such violations shall be a Class I felony.' A Class I felony is punishable by imprisonment up to 5 years (presumptive 2), fine, or both.

96. Because any commission of this offense is by definition intentional, and because G.S. 90-108(b) provides that an intentional violation of G.S. 90-108 is a Class I felony, a misdemeanor offense under G.S. 90-108(a)(10) does not exist. *State v. Church*, 73 N.C. App. 645, 327 S.E. 2d 33 (1985). The rationale in *Church* may apply to other provisions of G.S. 90-108 that define an offense in terms requiring intent.

97. See note 95. In *State v. Bright*, 78 N.C. App. 239, 337 S.E. 87 (1985), *disc. rev. denied*, 315 N.C. 591, 341 S.E.2d 31 (1986), the court distinguished *State v. Church* (see note 96) and interpreted G.S. 90-108(a)(7) as follows: maintaining a vehicle with knowledge that it is used in connection with controlled substances is a misdemeanor, maintaining a vehicle with *intent* that it be so used is a Class I felony. The rationale in *Bright* may apply to other provisions of G.S. 90-108 that distinguish offenses on the basis of knowledge and intent.

98. See notes 95-97.

99. See notes 95-97.

100. See notes 95-97.

101. See notes 95-97.

Crime	Source	Punishment	Grade
7. Obtaining controlled substance by use of legal prescription obtained by misrepresentation	90-108(a)(13), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor ¹⁰²
8. Violating 90-108(a)(7) while fortifying structure with intent to impede law enforcement entry	90-108(a)(7), -108(b)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
2. Violation of Toxic Vapors Act			
A. Inhaling fumes for purpose of intoxication	90-113.10, -113.13, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. Possession of substance for purpose of inhaling for intoxication	90-113.11, -113.13, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Sale of substance with knowledge of intended illegal use	90-113.12, -113.13, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Violation of Drug Paraphernalia Act			
A. Possession of paraphernalia	90-113.22	Imprisonment up to 1 year, fine up to \$500 (or both)	Misdemeanor
B. Delivery, possession with intent to deliver, or manufacture with intent to deliver	90-113.23	Imprisonment up to 2 years, fine of not less than \$1,000 (or both)	Misdemeanor
C. Delivery by person over 18 to minor at least 3 years younger	90-113.23(c)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
D. Advertisement of paraphernalia	90-113.24	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
4. Furnishing drugs to inmate	14-258.1	Imprisonment up to 10 years (presumptive 3), fine (or both) ¹⁰³	Class H Felony

102. See notes 95-97.

103. If defendant is employed by a state institution or local confinement facility, he or she must be dismissed from employment. G.S. 14-258.1.

Crime	Source	Punishment	Grade
OBSCENITY. <i>See also</i> ADULT ESTABLISHMENTS; MINORS, OFFENSES AGAINST			
1. Dissemination of obscenity	14-190.1	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
a. To a child under 16	14-190.7	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
b. To a child under 13	14-190.8	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Coercing acceptance of obscene publication	14-190.4	Imprisonment up to 1 year and fine up to \$1,000	Misdemeanor
3. Preparation of obscene photographs, slides, or films for purpose of dissemination	14-190.5	Imprisonment up to 1 year and fine up to \$1,000	Misdemeanor
4. Using minor to assist in obscenity offense	14-190.6	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

OBSTRUCTING HIGHWAY. *See also* DUMPING OR LITTERING; RIOTS AND CIVIL DISORDERS

1. Obstructing highway	136-90, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
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OBSTRUCTING JUSTICE. *See also* CONSPIRACY—To break or enter jails; CONTEMPT OF COURT; RIOTS AND CIVIL DISORDERS

1. Breaking or entering jail with intent to injure prisoner	14-221	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
2. Destruction of evidence	14-221.1	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Altering court document or entering unauthorized judgment	14-221.2	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
4. Resisting, delaying, or obstructing officer	14-223	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

	Crime	Source	Punishment	Grade
5.	Picketing near courthouse with intent to interfere with administration of justice	14-225.1	Imprisonment up to 2 years, fine up to \$1,000 (or both)	Misdemeanor
6.	Harassing a juror			
A.	With intent to influence official action	14-225.2(a)(1), -225.2(c)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
B.	As result of prior official action	14-225.2(a)(2), -225.2(c), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
7.	Intimidating witness	14-226, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8.	Violating certain court orders	14-226.1	Imprisonment up to 30 days, fine up to \$250 (or both)	Misdemeanor

ORDINANCE VIOLATION. *See also* RIOTS AND CIVIL DISORDERS—Violation of emergency proclamation

1.	Municipal, county, or metropolitan sewer district			
A.	Regulating operation or parking of vehicles	14-4(b)	Penalty up to \$50	Infraction
B.	Other ordinances	14-4(a)	Imprisonment up to 30 days or fine up to \$500 ¹⁰⁴	Misdemeanor
2.	Department of Transportation	136-18(5), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
	PEEPING INTO ROOM OCCUPIED BY FEMALE	14-202, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

¹⁰⁴ G.S. 14-4(a) provides that no fine shall exceed \$50 unless the ordinance expressly states that the maximum fine is greater than \$50.

Crime	Source	Punishment	Grade
PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES¹⁰⁵			
1. Furnishing poison, narcotics, or weapons to inmates	14-258.1(a)	Imprisonment up to 10 years (presumptive 3), fine (or both) ¹⁰⁶	Class H Felony
2. Furnishing alcohol to inmates	14-258.1(b), 14-3	Imprisonment up to 2 years, fine (or both) ¹⁰⁷	Misdemeanor

PERJURY. *See also* OBSTRUCTING JUSTICE

1. Perjury	14-209	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Subornation of perjury	14-210	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
3. False statement to procure benefit of insurance policy or certificate	58-2-161	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

PICKETING. *See* OBSTRUCTING JUSTICE; RIOTS AND CIVIL DISORDERS

POSSESSION OF STOLEN GOODS. *See* LARCENY AND RECEIVING

PROPERTY, VIOLATIONS AGAINST. *See also* ARSON; DISTURBING GRAVES; DUMPING; RIOTS AND CIVIL DISORDERS

1. Real property			
A. Trespass			
1. First degree ¹⁰⁸	14-159.12	Imprisonment up to 6 months, fine up to \$1,000 (or both)	Misdemeanor

105. As to conveying other articles to prisoners or inmates of institutions, *see also* ESCAPE—Trading with prisoners.

106. G.S. 14-258.1 provides that if a person convicted under that section is an officer or employee of a state institution, he or she must be dismissed from employment.

107. *See* note 106.

108. G.S. 14-159.14 provides that this offense is a lesser-included offense of breaking or entering under G.S. 14-54 and 14-56.

Crime	Source	Punishment	Grade
2. Second degree ¹⁰⁹	14-159.13	Imprisonment up to 30 days, fine up to \$200 (or both)	Misdemeanor
3. Trespass on public lands	14-130, 14-3	Imprisonment up to 2 years, fine (or both); in addition, state may recover three times value of cut timber	Misdemeanor
4. Forcible trespass	common law, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Domestic criminal trespass	14-134.3	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Willful injury to real property	14-127, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Injury to trees, crops, lands of another	14-128	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
D. Injuring public buildings or facilities	14-132	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
E. Injuring houses, churches, fences, or walls	14-144	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
F. Unlawful posting of advertisements	14-145	Imprisonment up to 30 days, fine up to \$50 (or both)	Misdemeanor
G. Interfering with electric, gas, or water meter	14-151.1	Imprisonment up to 2 years, fine up to \$500 (or both)	Misdemeanor
H. Interfering with telephone lines	14-157	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
I. Contaminating public water system	14-159.1	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

109. G.S. 14-159.14 provides that this offense is a lesser-included offense of breaking or entering under G.S. 14-54 and G.S. 14-56.

Crime	Source	Punishment	Grade
J. Hunting or fishing on posted property	14-159.6	Imprisonment up to 6 months, fine of \$50-\$250 (or both)	Misdemeanor
2. Personal property			
A. Willful injury to personal property			
1. Damage up to \$200	14-160(a)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
2. Damage in excess of \$200	14-160(b), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. Altering identification marks on personal property	14-160.1	Imprisonment up to 2 years, fine up to \$1,000 (or both)	Misdemeanor
C. Poisoning livestock	14-163	Imprisonment up to 5 years, (presumptive 2), fine (or both)	Class-I Felony
D. Injuring law enforcement agency animal	14-163.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
E. Malicious injury to hired personal property	14-165, -169, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
F. Failure to return hired property	14-167	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
G. Injuring school bus	14-132.2(a)	Imprisonment up to 2 years, fine up to \$500 (or both)	Misdemeanor
H. Entering school bus after being forbidden	14-132.2(b)	Imprisonment up to 30 days, fine up to \$100 (or both)	Misdemeanor
I. Refusing to leave public school bus after demand	14-132.2(c)	Imprisonment up to 30 days, fine up to \$100 (or both)	Misdemeanor

Crime	Source	Punishment	Grade
PROSTITUTION			
1. Prostitution and aiding and abetting prostitution ¹¹⁰			
A. First degree (2 or more prior violations within 1 year)	14-204, -207, -208, 14-3	Fine or imprisonment up to 2 years, ¹¹¹ or commitment to reformatory for 1-3 years	Misdemeanor
B. Second degree (single prior violation within 1 year)	14-204, -207, -208, 14-3	Imprisonment up to 2 years, or fine	Misdemeanor
2. Loitering for purpose of prostitution	14-204.1, -208	Same as punishment for prostitution	Misdemeanor

PUBLIC SAFETY, OFFENSES AGAINST. *See also* EXPLOSIVES OR INCENDIARY DEVICE; DUMPING

1. Throwing objects at sporting events	14-281.1	Imprisonment up to 30 days, fine up to \$100 (or both)	Misdemeanor
2. Giving false fire alarm	14-286	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
3. Interfering with emergency radio communication	14-286.2		Misdemeanor
A. Causing serious bodily injury or property damage in excess of \$1,000		Imprisonment up to 1 year and fine up to \$1,000	
B. Otherwise		Imprisonment up to 6 months and fine up to \$500	
4. Tampering with food, drugs, or cosmetics with intent to cause serious injury	14-34.4(a)	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony

¹¹⁰ G.S. 14-208 provides that no female convicted of this offense may be placed on probation or parole in the care of any person except a female probation officer.

¹¹¹ G.S. 14-208 provides for a minimum term of imprisonment of 60 days in cities having a population of at least 300,000, provided the city has adopted an ordinance to that effect.

Crime	Source	Punishment	Grade
RACING			
1. Willful racing	20-141.3(b)	Imprisonment up to 2 years, fine of not less than \$50 (or both)	Misdemeanor
2. Willful prearranged racing	20-141.3(a)	Imprisonment for not less than 60 days, fine of at least \$500 (or both) ¹¹²	Misdemeanor
3. Permitting use of vehicle for prearranged racing	20-141.3(c)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Betting on prearranged race	20-141.3(c)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

RAPE AND OTHER SEXUAL OFFENSES. *See also* MINORS, OFFENSES AGAINST

1. Rape			
A. First degree	14-27.2	Mandatory life imprisonment	Class B Felony
B. Second degree	14-27.3	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony
2. Sexual offense			
A. First degree	14-27.4	Mandatory life imprisonment	Class B Felony
B. Second degree	14-27.5	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony
3. Attempted rape or sexual offense			
A. First degree	14-27.6	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
B. Second degree	14-27.6	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

112. G.S. 20-141.3(g) provides that the court shall order the public sale of seized motor vehicles used in the commission of this offense, subject to certain notice requirements and other conditions set out in the statute.

	Crime	Source	Punishment	Grade
4.	Sexual act with minor by parental substitute	14-27.7	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
5.	Sexual act by custodian with victim of any age	14-27.7	Imprisonment up to 15 years (presumptive 4½), fine (or both)	Class G Felony
6.	Indecent liberties with child	14-202.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

RESISTING OFFICER. *See* OBSTRUCTING JUSTICE—Resisting officer

RIDING OR GOING ABOUT ARMED TO TERROR OF PEOPLE	common law, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
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RIOTS AND CIVIL DISORDERS

1.	Riot			
A.	Engaging in riot	14-288.2(b), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B.	Engaging in riot resulting in more than \$1,500 property damage or serious bodily injury	14-288.2(c)(1)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
C.	Engaging in riot while possessing dangerous weapon or substance	14-288.2(c)(2)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
D.	Inciting to riot	14-288.2(d), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
E.	Inciting to riot resulting in more than \$1,500 property damage or serious bodily injury	14-288.2(e)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2.	Unlawful assembly	common law, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3.	Disorderly conduct	14-288.4	Imprisonment up to 6 months or fine up to \$500	Misdemeanor
4.	Disorderly conduct in or near public building or facility	14-132	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

Crime	Source	Punishment	Grade
5. Sitting, standing, or lying on highway or street ¹¹³	20-174.1	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
6. Failure to disperse when commanded	14-288.5	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
7. Trespass during emergency	14-288.6(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Looting	14-288.6(b)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
9. Transporting dangerous weapon during emergency or riot	14-288.7, 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
10. Manufacture, sale, possession, etc., of weapon of mass death and destruction	14-288.8	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
11. Assault on emergency personnel			
A. Without use of dangerous weapon or substance	14-288.9, 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. With dangerous weapon or substance	14-288.9	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
12. Violation of emergency proclamation			
A. Issued pursuant to municipal ordinance	14-288.12, 14-4	Imprisonment up to 30 days or fine up to \$500 ¹¹⁴	Misdemeanor
B. Issued pursuant to county ordinance	14-288.13, 14-4	Imprisonment up to 30 days or fine up to \$500 ¹¹⁵	Misdemeanor
C. Municipal proclamation extended to county	14-288.14	Imprisonment up to 30 days or fine up to \$50	Misdemeanor

¹¹³. See also OBSTRUCTING HIGHWAY.

¹¹⁴. G.S. 14-4(a) provides that no fine shall exceed \$50 unless the ordinance expressly states that the maximum fine is greater than \$50.

¹¹⁵. See note ¹¹⁴:

Crime	Source	Punishment	Grade
D. Issued by governor	14-288.15	Imprisonment up to 6 months or fine up to \$500	Misdemeanor
E. Governor's order to evacuate public building	14-288.19	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
F. Injunction or other court order	14-226.1	Imprisonment up to 30 days, fine up to \$250 (or both)	Misdemeanor
13. Picketing near courthouse with intent to interfere with administration of justice	14-225.1	Imprisonment up to 2 years, fine up to \$1,000 (or both)	Misdemeanor
ROBBERY. <i>See also</i> ATTEMPT			
1. Common law robbery	common law, 14-87.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Robbery with firearm or other dangerous weapon	14-87	Imprisonment up to 40 years (presumptive and minimum 14), or fine and imprisonment ¹¹⁶	Class D Felony
3. Train robbery	14-88	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
SAFECRACKING. <i>See also</i> ATTEMPT			
	14-89.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
SCALPING TICKETS			
	14-344	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

116. Unless sentenced as a committed youthful offender, persons convicted of this offense must receive a sentence of at least 14 years imprisonment and must actually serve a term of at least 7 years, excluding gain time. The sentence may not be suspended, and the defendant may not be placed on probation. A sentence imposed under this section must run consecutively with, and begin at the expiration of, any sentence being served by the defendant. G.S. 14-87(d). However, the court is not required to, although it may, impose consecutive sentences when two or more violations are being disposed of in the same sentencing proceeding. *State v. Thomas*, 85 N.C. App. 319, 354 S.E.2d 891 (1987); *State v. Crain*, 73 N.C. App. 269, 326 S.E.2d 120 (1985) (same).

Crime	Source	Punishment	Grade
SEXUAL HARASSMENT IN LEASING OF PROPERTY	14-395.1	Imprisonment up to 6 months, fine up to \$200 (or both)	Misdemeanor
SEXUAL OFFENSES. <i>See</i> RAPE AND OTHER SEXUAL OFFENSES; MINORS, OFFENSES AGAINST; SEXUAL HARASSMENT			
SHOPLIFTING. <i>See</i> LARCENY—Shoplifting			
SLOT MACHINES. <i>See</i> LOTTERIES AND GAMBLING			
SOLICITATION TO COMMIT FELONY			
1. Not infamous ¹¹⁷	common law, 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Infamous, except murder	common law, 14-3(b)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
3. Murder	14-18.1(a)	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
4. Murder of law enforcement officer, judge, prosecutor, witness against defendant, or juror while engaged in or because of official duties	14-18.1(b)	Imprisonment up to 40 years, (presumptive 12) fine (or both)	Class D Felony
STALKING			
1. First offense	14-277.3	Imprisonment up to 6 months, fine up to \$1,000 (or both) ¹¹⁸	Misdemeanor
2. Subsequent offense within 5 years	14-277.3	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

117. *State v. Mann*, 317 N.C. 164, 345 S.E.2d 365 (1986), discusses the differences between offenses that are infamous and those that are not. *Mann* holds that solicitation to commit common law robbery is an infamous offense. The court of appeals also has held that solicitation to commit perjury is infamous [*State v. Huff*, 56 N.C. App. 721, 289 S.E.2d 604, *disc. rev. denied*, 306 N.C. 389, 294 S.E.2d 215 (1982)], but that solicitation to commit a crime against nature is *not* infamous [*State v. Tyner*, 50 N.C. App. 206, 272 S.E.2d 626, *disc. rev. denied*, 302 N.C. 633, 280 S.E.2d 451 (1981)].

118. G.S. 14-277.3 provides that if a person commits this offense while a court order is in effect prohibiting similar behavior, the punishment is imprisonment up to 2 years, a fine up to \$2,000, or both.

Crime	Source	Punishment	Grade
SUBORNATION OF PERJURY. <i>See</i> PERJURY.			
TELEPHONE, HARASSING CALLS. <i>See</i> HARASSING PHONE CALLS			
THREATS. <i>See</i> COMMUNICATING THREATS			
TOWN ORDINANCE. <i>See</i> ORDINANCE VIOLATION			
TOXIC VAPORS. <i>See</i> NARCOTIC AND OTHER DRUG VIOLATIONS			
TRANSPORTATION, DEPARTMENT OF. <i>See</i> ORDINANCE VIOLATION			
TRESPASS. <i>See</i> PROPERTY, VIOLATIONS AGAINST			
UNAUTHORIZED USE OF MOTOR CONVEYANCE			
1. Motor vehicle, boat, or other motor-propelled conveyance	14-72.2	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Aircraft	14-72.2(b)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
UTTERING. <i>See</i> FORGERY			
VEHICLE OFFENSES. <i>See</i> MOTOR VEHICLE OFFENSES			
WEAPONS OFFENSES. <i>See also</i> ASSAULT			
1. Dangerous weapon in prison			
A. Possession by inmate	14-258.2(a), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. Used to assault, inflicting serious injury	14-258.2(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Used to effect escape	14-258.2(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

Crime	Source	Punishment	Grade
D. Used to assist escape by inmate	14-258.2(b)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Carrying concealed weapon	14-269	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
3. Possessing weapon on educational property	14-269.2 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Carrying gun into public event or establishment serving alcohol	14-269.3, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Possession of weapon in courthouse and certain state property	14-269.4, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
6. Possession or sale of spring-loaded projectile knife	14-269.6, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
7. Carrying weapon at parade or demonstration	14-277.2, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Making, selling, or possessing weapon of mass death or destruction	14-288.8	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
9. Possession, use, or sale of tear gas	14-401.6	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
10. Sale or possession of machine gun	14-409	Imprisonment for at least 6 months, fine of at least \$500 (or both)	Misdemeanor
11. Possession of certain firearms by felon	14-415.1	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

WORTHLESS CHECK. *See* FALSE PRETENSES AND CHEATS

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