

Punishment Chart for North Carolina Crimes

John Rubin
and
Julian A. Barnes

January 1995

Institute of Government

The University of North Carolina at Chapel Hill

Punishment Chart for North Carolina Motor Vehicle Offenses

Ben F. Loeb, Jr.
and
A. Britt Canady

RECEIVED
JAN 31 1995
INSTITUTE OF GOVERNMENT
UNIVERSITY OF NORTH CAROLINA
CHapel Hill
PERMANENT FILE COPY
not to be taken
from library

**Punishment Chart
for North Carolina
Crimes**

**John Rubin and
Julian A. Barnes**

**Punishment Chart
for North Carolina
Motor Vehicle
Offenses**

**Ben F. Loeb, Jr., and
A. Britt Canady**

January 1995

**Institute of Government
The University of North Carolina at Chapel Hill**

THE INSTITUTE OF GOVERNMENT of The University of North Carolina at Chapel Hill is devoted to teaching, research, and consultation in state and local government.

Since 1931 the Institute has conducted schools and short courses for city, county, and state officials. Through monographs, guidebooks, bulletins, and periodicals, the research findings of the Institute are made available to public officials throughout the state.

Each day that the General Assembly is in session, the Institute's *Daily Bulletin* reports on the Assembly's activities for members of the legislature and other state and local officials who need to follow the course of legislation.

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

Michael R. Smith, DIRECTOR

William A. Campbell, ASSOCIATE DIRECTOR

FACULTY

Stephen Allred	Kurt J. Jenne
A. Fleming Bell, II	Robert P. Joyce
Frayda S. Bluestein	Jeffrey S. Koeze
Mark F. Botts	Patricia A. Langelier
Joan G. Brannon	David M. Lawrence
Anita R. Brown-Graham	Charles D. Liner
Margaret S. Carlson	Ben F. Loeb, Jr.
K. Lee Carter, Jr.	Janet Mason
Stevens H. Clarke	Richard R. McMahon
Anne M. Dellinger (on leave)	Laurie L. Mesibov
James C. Drennan (on leave)	David W. Owens
Richard D. Ducker	John Rubin
Robert L. Farb	John L. Sanders
Joseph S. Ferrell	John L. Saxon
Cary M. Grant	Roger M. Schwarz
Milton S. Heath, Jr.	Thomas H. Thornburg
Cheryl Daniels Howell	A. John Vogt
Joseph E. Hunt	Michael L. Williamson

© 1995

INSTITUTE OF GOVERNMENT

The University of North Carolina at Chapel Hill

☺ This publication is printed on permanent, acid-free paper in compliance with the North Carolina General Statutes.

Printed in the United States of America

ISBN 1-56011-238-7

♻ Printed on recycled paper.

Summary of Contents

Preface v

Introduction Structured Sentencing 1

Felonies 3

Misdemeanors 7

Tables 10

Part 1 Punishment Chart for North Carolina Crimes 17

Detailed Table of Contents 19

Description of Punishment Chart 21

Punishment Chart 23

Index 59

Part 2 Punishment Chart for North Carolina Motor Vehicle Offenses 65

Detailed Table of Contents 67

Description of Punishment Chart 69

Punishment Chart 71

Index 97

Preface

This publication actually consists of two punishment charts. The "Punishment Chart for North Carolina Crimes," which appears in Part 1, is the Institute of Government's eighth compilation of an earlier chart published under the same name. The "Punishment Chart for North Carolina Motor Vehicle Offenses," which appears in Part 2, is the Institute of Government's eighth compilation of an earlier chart published under the name *Punishment Chart for Motor Vehicle Offenses in North Carolina*. Each part stands on its own, with a detailed table of contents, a brief introduction on using the chart, the chart itself, and an index. For this edition we have chosen to publish the charts in one volume because those involved in the court system often must consult both the criminal law and motor vehicle law in their work.

For the felonies and misdemeanors listed in the punishment charts, the current class of the offense is indicated. The charts reflect changes made by the new structured sentencing laws, enacted during the 1993 regular session, as well as additional changes enacted during the 1994 extra session and the 1994 regular session, which adjourned in July 1994.

Under the new structured sentencing laws, however, knowing the class of a particular offense is insufficient to determine the appropriate sentence. This booklet therefore opens with an introductory section on structured sentencing, which contains an overview of structured sentencing as well as the tables necessary for determining the appropriate sentence for the felonies and misdemeanors listed in the punishment charts.

Introduction

Structured Sentencing

Introduction

Structured Sentencing

The new structured sentencing laws went into effect October 1, 1994. They are applicable to all felonies and misdemeanors committed on or after that date, except for the misdemeanor offenses of impaired driving under Section 20-138.1 of the North Carolina General Statutes (hereinafter G.S.) and failure to comply with health control measures under G.S. 130A-25. See G.S. 15A-1340.10.

This chapter briefly describes the application of structured sentencing to both felonies and misdemeanors. Readers interested in a fuller discussion should consult Stevens H. Clarke, *Law of Sentencing, Probation, and Parole in North Carolina* (1994 Supp., Institute of Government); North Carolina Sentencing and Policy Advisory Commission, *Structured Sentencing for Felonies: Training and Reference Manual* (1994); and North Carolina Sentencing and Policy Advisory Commission, *Structured Sentencing for Misdemeanors: Training and Reference Manual* (1994).

Felonies

The centerpiece of structured sentencing for felonies is the statutory table of punishments, commonly referred to as the sentencing grid, in G.S. 15A-1340.17(c). It is included as Table 1 at the end of this chapter. Two other tables necessary to determine the appropriate sentence for a felony are also included: Table 2, dealing with maximum sentences, and Table 3, dealing with prior record level.

A sentencing court essentially must take six steps to determine the appropriate sentence for felonies under structured sentencing. These steps (with the appropriate source to consult) are as follows:

- Determine the offense class for each felony conviction (punishment charts)
- Determine the prior record level for the defendant (Table 3)
- Consider aggravating and mitigating factors [see G.S. 15A-1340.16(d), (e)]
- Select a minimum sentence from the applicable minimum sentence range (Table 1)
- Determine the maximum sentence (Table 2)
- Determine the sentence disposition (active, intermediate, or community) (Table 1)

Each of these steps is summarized below. The main exceptions also are noted below, under the heading "Special Provisions."

Offense Class

The first step in determining the appropriate sentence for a felony is to identify the class of the felony. There are ten classes of felonies under structured sentencing (A, B1, B2, C, D, E, F, G, H, and I).¹ For each felony listed in the punishment charts in this booklet, the class of the offense is indicated. For example, a violation of G.S. 14-32(c) (assault with deadly weapon with intent to kill) is a Class E felony. A violation of G.S. 20-138.5 (habitual impaired driving) is a Class G felony.

1. Class J felonies have been eliminated, and the offenses formerly in that class have been reclassified.

Prior Record Level

The second step is to determine the defendant's prior record level. A defendant is assigned to one of six prior record levels (I through VI) based on the number of points he or she receives under structured sentencing. For example, a defendant with five to eight points is in prior record level III. The six prior record levels, and the point ranges for each level, are indicated in the prior-record-level worksheet issued by the Administrative Office of the Courts (AOC-CR-600, Oct. 1994), which appears as Table 3 at the end of this section.

A defendant is assigned points in one of three ways. First, if a defendant has any prior convictions, points are assigned to each conviction based on the offense class of the conviction. For example, a prior conviction for a Class H felony carries two points. The point values for each offense class are indicated in Table 3. In calculating points for prior convictions, the following structured sentencing rules must be kept in mind.

Prior misdemeanors. In determining a defendant's prior record level for the purpose of felony sentencing, prior convictions for Class 2 and 3 misdemeanors do not count; nor do prior misdemeanor offenses of any class under Chapter 20 of the General Statutes (except misdemeanor death by vehicle). *See* G.S. 15A-1340.14(b).

Current classification of prior conviction. Under the structured sentencing rules for felonies, the classification of the prior offense is the classification assigned to that offense at the time the *current* offense was committed. For example, if the defendant has a prior conviction for second-degree burglary, the points assigned to the conviction would depend on the current classification of the offense (now Class G), not the classification in effect at the time the conviction occurred. *See* G.S. 15A-1340.14(c).

Multiple prior convictions. If the defendant was convicted of more than one offense in a single superior court during one calendar week, only the conviction with the highest point total is counted. If the defendant was convicted of more than one offense during a single session (*i.e.*, day) of district court, only the most serious conviction is counted. *See* G.S. 15A-1340.14(d).

Convictions from other jurisdictions. Unless the prosecution or defendant proves otherwise, a conviction from another jurisdiction is classified as a Class I felony if that jurisdiction classifies the offense as a felony. Similarly, unless the prosecution or defendant proves otherwise, a conviction from another jurisdiction is classified as a Class 3 misdemeanor if the other jurisdiction classifies the offense as a misdemeanor. *See* G.S. 15A-1340.14(e).

Second, one point is added if all the elements of the present offense are included in the prior offense. In essence, the current offense must be the same as or a lesser-included offense of the prior offense committed by the defendant. *See* G.S. 15A-1340.14(b) (6).

Third, and last, one point is added if the defendant was on probation or parole, was serving an active sentence, or was an escapee when he or she was arrested for the current offense. *See* G.S. 15A-1340.14(b) (7).

Aggravating and Mitigating Factors

Table 1, the sentencing grid, contains three ranges of imprisonment for felonies: presumptive, aggravated, and mitigated. To determine the range in which to sentence a defendant, the court must consider any evidence of aggravating and mitigating factors. The statutory *aggravating* factors are set forth in G.S. 15A-1340.16(d). The statutory *mitigating* factors are set forth in G.S. 15A-1340.16(e).

If the court finds that aggravating factors are present and outweigh any mitigating factors, it may depart from the presumptive range of imprisonment contained in Table 1 and impose a term of imprisonment from the aggravated range. Likewise, if the court finds that mitigating factors outweigh aggravating factors, it may impose a term of imprisonment from the mitigated range. If the court selects a term from the aggravated or mitigated range, the court must make written findings of the aggravating and mitigating factors. The court must make such findings regardless of whether it imposes an active or suspended term of imprisonment. *See* G.S. 15A-1340.16(b), (c).

Minimum Sentence

Once the class of felony, prior record level, and aggravating and mitigating factors are determined, the court must select a minimum term of imprisonment from Table 1. To determine the minimum term, the court must locate the class of felony at issue along the left-hand side of the grid and the prior record level along the top of the grid. The cell in which the felony class and prior record level intersect shows the possible sentences that the court may impose. The court then must determine whether to impose a term of imprisonment from the presumptive, aggravated, or mitigated ranges (expressed in months) shown in the particular cell. Lastly, the court must select a minimum term of imprisonment from within the applicable range.

Maximum Sentence

The judgment of the court also must contain a maximum term of imprisonment. The maximum term is set by statute based on the minimum term imposed by the court. For Class B1 through E felonies, the maximum term of imprisonment is 120 percent of the minimum term rounded to the next highest month, plus 9 months. For Class F through I felonies, the maximum term of imprisonment is 120 percent of the minimum term rounded to the next highest month. *See* G.S. 15A-1340.17(d), (e), (e1).

A minimum/maximum table containing these calculations is shown as Table 2. The numbers in the table to the left of the dash represent the minimum term of imprisonment imposed by the court, expressed in months. The numbers to the right of the dash represent the corresponding maximum term required by statute.

Sentence Disposition

The last step is to determine the sentence disposition, which is prescribed in Table 1. Each cell on the grid contains a sentence disposition, signified by the letter "A," "I," or "C," or a combination of these letters. "A" represents active punishment, "I" intermediate punishment, and "C" community punishment. The court must impose the sentence disposition indicated in the applicable cell. Some cells in the grid prescribe two possible dispositions, separated by a slash (for example, I/A). In those cases, the court can impose either disposition.

Active punishment. If the court imposes an active punishment, the minimum and maximum term of imprisonment previously determined by the court must be activated. The maximum term may be reduced by earned time credit (awarded by the Department of Correction or local jail), but the term of imprisonment may not be reduced below the minimum term imposed by the court. *See* G.S. 15A-1340.13(d).²

Ordinarily, if the only disposition prescribed in a particular cell is "A," the court must impose active imprisonment. Upon a finding of extraordinary mitigation, however, the court may impose an intermediate punishment even when only an active punishment is prescribed. Extraordinary mitigation is authorized only when the offense is a Class B2, C, or D felony; the offense is not a drug-trafficking offense under G.S. 90-95(h); *and* the defendant is in prior record level I or II. *See* G.S. 15A-1340.13(g), (h).

In cases involving drug-trafficking offenses, the court is not required to impose an active punishment (regardless of the class of offense or the defendant's prior record level) if the court finds that the defendant provided "substantial assistance" within the meaning of G.S. 90-95(h)(5). Drug trafficking is discussed further below under the heading "Special Provisions."

When sentencing a defendant for multiple offenses, the court may consolidate sentences, run them concurrently, or run them consecutively. Unless otherwise specified by the court, sentences

2. A defendant convicted of a Class B1 through E felony is automatically released from prison 9 months before the end of his or her maximum term of imprisonment. The defendant may be released sooner if he or she receives any earned time credit but may not be released before serving the minimum term of imprisonment imposed by the court. *See* G.S. 15A-1368.2. Upon the defendant's release from prison, he or she is placed on post-release supervision for 6 months. If the defendant violates a condition of post-release supervision during that period, he or she can be returned to prison "up to the time remaining on his [or her] maximum imposed term." G.S. 15A-1368.3(c)(1).

run concurrently. If the court consolidates offenses for sentencing, the most serious offense is controlling—the sentence disposition and the minimum and maximum terms of imprisonment must conform to the structured sentencing rules for that offense. If the court imposes consecutive sentences, the minimum term of imprisonment is the sum of the minimum terms imposed for the offenses, and the maximum term is the sum of the maximum terms for the offenses. *See* G.S. 15A-1340.15, -1354.³

Intermediate punishment. If the court imposes an intermediate punishment, the court must suspend the minimum and maximum term of imprisonment and impose a period of supervised probation with at least one of the conditions described in G.S. 15A-1340.11(6). For intermediate punishments for felonies, the court is authorized to impose a period of probation ranging from 18 to 36 months; the court may depart from this range upon finding that a longer or shorter period is necessary. *See* G.S. 15A-1343.2(d)(4).

As a condition of intermediate punishment, the court is authorized to impose special probation, also known as a split sentence. Under special probation, the court suspends the term of imprisonment, places the defendant on probation, and requires the defendant to submit to a period of imprisonment as a condition of probation. The period of imprisonment pursuant to special probation may not exceed 6 months or one-fourth of the maximum term of imprisonment imposed, whichever is less. *See* G.S. 15A-1351(a).⁴

Community punishment. A community punishment is defined as any sentence that does not include an active or intermediate punishment. *See* G.S. 15A-1340.11(2). The court must suspend any term of imprisonment; it may not impose an active term of imprisonment or special probation requiring a period of imprisonment.

A community punishment may include unsupervised probation or supervised probation with any authorized condition other than one defined as an intermediate punishment. For community punishments for felonies, the court is authorized to impose a period of probation ranging from 12 to 30 months; the court may depart from this range upon finding that a longer or shorter period is necessary. *See* G.S. 15A-1343.2(d)(3). A community punishment also may consist of a fine only, without probation. *See* G.S. 15A-1340.17(b).

Fines. The court may impose a fine as part of any disposition, whether active, intermediate, or community. Unless otherwise provided by statute, the amount of the fine is in the court's discretion. *See* G.S. 15A-1340.17(b).

Special Provisions

A number of provisions depart from the basic structured sentencing scheme for felonies, described above. These departures are noted in the punishment charts where applicable. The principal exceptions are as follows:

Class A felonies. Class A felonies are punishable by death or life without parole, regardless of the defendant's prior record level. The only Class A felony is first-degree murder under G.S. 14-17.

Violent habitual felon. A defendant convicted for the third time of a violent felony within the meaning of G.S. 14-7.7 must be sentenced to life without parole, regardless of the defendant's prior record level. *See* "Punishment Chart for Crimes," G.S. 14-7.7 and accompanying note.

Firearm enhancement. Subject to certain exceptions, a defendant who used, displayed, or threatened to use or display a firearm during the commission of a Class A through E felony

3. If the court imposes consecutive terms of imprisonment for more than one Class B1 through E felony, the maximum term for each second and subsequent Class B1 through E felony is reduced by 9 months.

4. If the special probation includes a period of imprisonment at an IMPACT program (*i.e.*, boot camp), the period of imprisonment may not exceed 6 months or one-half of the maximum term of imprisonment imposed, whichever is less.

must be sentenced to an additional 60 months imprisonment. See "Punishment Chart for Crimes," G.S. 14-2.2(a) and accompanying note.

Drug trafficking. Drug trafficking is punished according to a separate table of punishments, containing minimum and maximum terms of imprisonment that depart from the sentencing grid. Minimum fines also are prescribed for drug-trafficking offenses. See "Punishment Chart for Crimes," G.S. 90-95(h) and accompanying notes.

Misdemeanors

The focus of structured sentencing for misdemeanors is the statutory table of punishments in G.S. 15A-1340.23 (Table 4 at the end of this chapter). All misdemeanors, except impaired driving under G.S. 20-138.1 and failure to comply with health control measures under G.S. 130A-25, are subject to structured sentencing. See G.S. 15A-1340.10.

A sentencing court essentially must take four steps to determine the appropriate sentence for a misdemeanor. These steps (with the appropriate source to consult) are as follows:

- Determine the offense class for each misdemeanor conviction (punishment charts)
- Determine the prior conviction level for the defendant (Table 4)
- Select a sentence length from the appropriate sentence range (Table 4)
- Determine the sentence disposition (active, intermediate, or community) (Table 4)

Offense Class

The first step in determining the appropriate sentence for a misdemeanor is to identify the class of the misdemeanor. There are three classes of misdemeanors under structured sentencing (1, 2, and 3). For each misdemeanor listed in the punishment charts in this booklet, the class of the offense is indicated. For example, a violation of G.S. 14-34 (assault by pointing gun) is a Class 1 misdemeanor. A violation of G.S. 20-217 (passing stopped school bus) is a Class 2 misdemeanor.

Some misdemeanor offenses have no classification and no punishment listed in the General Statutes. Under G.S. 14-3(a), those offenses are considered Class 1 misdemeanors. Some misdemeanor offenses have a punishment but no classification listed. Under G.S. 14-3(a), those offenses are classified as follows: as a Class 1 misdemeanor if punishable by more than 6 months imprisonment; as a Class 2 misdemeanor if punishable by more than 30 days but not more than 6 months imprisonment; and as a Class 3 misdemeanor if punishable by imprisonment of 30 days or less or by a fine only.

Prior Conviction Level

The second step is to determine the defendant's prior conviction level. A defendant is assigned to one of three prior conviction levels (I through III) based on the total number of prior felony and misdemeanor convictions. The three prior conviction levels, and the number of convictions applicable to each level, are indicated in Table 4.

Each conviction, whether a felony or misdemeanor (including driving while impaired and other misdemeanors under Chapter 20), counts as one conviction. If the defendant was convicted of more than one offense in a single week of superior court, only one of the convictions counts. If the defendant was convicted of more than one offense during a single session (*i.e.*, day) of district court, only one of the convictions counts. Infractions do not count. See G.S. 15A-1340.21.

Sentence Length

Once the class of misdemeanor and prior conviction level are determined, the court must determine the length of any term of imprisonment. (If the court selects a community punishment as the sentence disposition,

discussed under the next heading, it may impose a judgment consisting of a fine only; in those circumstances, it would be unnecessary for the court to specify any term of imprisonment.) To determine the length of any term of imprisonment, the court must locate the class of misdemeanor at issue along the left-hand side of Table 4 and the prior conviction level along the top of Table 4. The cell in which the misdemeanor class and prior conviction level intersect shows the possible terms of imprisonment (expressed in days) that the court may impose. The court must select a single term of imprisonment from the range shown in the applicable cell; there is no minimum and maximum term of imprisonment, as in felony sentencing.

Sentence Disposition

The last step is to determine the sentence disposition, which is prescribed in Table 4. Each cell in Table 4 contains a sentence disposition, signified by the letter "A," "I," or "C," or a combination of these letters. "A" represents active punishment, "I" intermediate punishment, and "C" community punishment. The court must impose the sentence disposition indicated in the applicable cell. Some cells prescribe more than one possible disposition, separated by a slash (for example, C/I/A). In those cases, the court can impose any of the indicated dispositions.

Active punishment. If the court imposes an active punishment, the term of imprisonment previously determined by the court must be activated. A defendant's term of imprisonment may be reduced by earned time credit up to 4 days per month of incarceration (awarded by the Department of Correction or local jail). *See* G.S. 15A-1340.20(d).

When sentencing a defendant for multiple offenses, the court may consolidate sentences or run them concurrently. Subject to certain limitations, the court may also impose consecutive sentences. Unless otherwise specified by the court, sentences run concurrently. If the court consolidates offenses for sentencing, the most serious offense is controlling—the sentence disposition and the term of imprisonment must conform to the structured sentencing rules for that offense. If the court imposes consecutive sentences, the length of imprisonment cannot exceed twice the longest term of imprisonment authorized for the most serious misdemeanor conviction. Consecutive sentences cannot be imposed, however, if all of the convictions are for Class 3 misdemeanors. *See* G.S. 15A-1340.22, -1354(a).

Intermediate punishment. If the court imposes an intermediate punishment, the court must suspend the term of imprisonment and impose a period of supervised probation with at least one of the conditions described in G.S. 15A-1340.11(6). For intermediate punishments for misdemeanors, the court is authorized to impose a period of probation ranging from 12 to 24 months; the court may depart from this range upon finding that a longer or shorter period is necessary. *See* G.S. 15A-1343.2(d)(2).

As a condition of intermediate punishment, the court is authorized to impose special probation, also known as a split sentence. Under special probation, the court suspends the term of imprisonment, places the defendant on probation, and requires the defendant to submit to a period of imprisonment as a condition of probation. The period of imprisonment pursuant to special probation may not exceed 6 months or one-fourth of the maximum term of imprisonment imposed, whichever is less. *See* G.S. 15A-1351(a).⁵

Community punishment. A community punishment is defined as any sentence that does not include an active or intermediate punishment. *See* G.S. 15A-1340.11(2). The court must suspend any term of imprisonment; it may not impose an active term of imprisonment or special probation requiring a period of imprisonment.

A community punishment may include unsupervised probation or supervised probation with any authorized condition other than one defined as an intermediate punishment. For community punishments for misdemeanors, the court is authorized to impose a period of pro-

5. If the special probation includes a period of imprisonment at an IMPACT program (*i.e.*, boot camp), the period of imprisonment may not exceed 6 months or one-half of the maximum term of imprisonment imposed, whichever is less.

bation ranging from 6 to 18 months; the court may depart from this range upon finding that a longer or shorter period is necessary. *See* G.S. 15A-1343.2(d)(1). A community punishment also may consist of a fine only, without probation. *See* G.S. 15A-1340.23(b).

Fines. The court may impose a fine as part of any disposition, whether active, intermediate, or community. Unless otherwise provided by statute, the maximum fine for each class of misdemeanor is as indicated in Table 4.

Table 1
Felony Sentence Dispositions and Minimum Prison/Jail Term Ranges
 (shown in months)

A = active punishment I = intermediate punishment C = community punishment

Prior Record Level						
Felony Class	I 0 Pts	II 1-4 Pts	III 5-8 Pts	IV 9-14 Pts	V 15-18 Pts	VI 19+ Pts
Class A	Death or life without parole					
Class B1	A 240-300	A 288-360	A 336-420	A 384-480	A Life without parole	A Life without parole
	192-240	230-288	269-336	307-384	346-433	384-480
	144-192	173-230	202-269	230-307	260-346	288-384
Class B2	A 135-169	A 163-204	A 190-238	A 216-270	A 243-304	A 270-338
	108-135	130-163	152-190	173-216	194-243	216-270
	81-108	98-130	114-152	130-173	146-194	162-216
Class C	A 63-79	A 86-108	A 100-125	A 115-144	A 130-162	A 145-181
	50-63	69-86	80-100	92-115	104-130	116-145
	38-50	52-69	60-80	69-92	78-104	87-116
Class D	A 55-69	A 66-82	A 89-111	A 101-126	A 115-144	A 126-158
	44-55	53-66	71-89	81-101	92-115	101-126
	33-44	40-53	53-71	61-81	69-92	76-101
Class E	I/A 25-31	I/A 29-36	A 34-42	A 46-58	A 53-66	A 59-74
	20-25	23-29	27-34	37-46	42-53	47-59
	15-20	17-23	20-27	28-37	32-42	35-47
Class F	I/A 16-20	I/A 19-24	I/A 21-26	A 25-31	A 34-42	A 39-49
	13-16	15-19	17-21	20-25	27-34	31-39
	10-13	11-15	13-17	15-20	20-27	23-31
Class G	I/A 13-16	I/A 15-19	I/A 16-20	I/A 20-25	A 21-26	A 29-36
	10-13	12-15	13-16	16-20	17-21	23-29
	8-10	9-12	10-13	12-16	13-17	17-23
Class H	C/I 6-8	I 8-10	I/A 10-12	I/A 11-14	I/A 15-19	A 20-25
	5-6	6-8	8-10	9-11	12-15	16-20
	4-5	4-6	6-8	7-9	9-12	12-16
Class I	C 6-8	C/I 6-8	I 6-8	I/A 8-10	I/A 9-11	I/A 10-12
	4-6	4-6	5-6	6-8	7-9	8-10
	3-4	3-4	4-5	4-6	5-7	6-8

Disposition
Aggravated Range
Presumptive Range
Mitigated Range

SOURCE: G.S. 15A-1340.17(c).

Table 2
Felony Minimum and Maximum Prison/Jail Terms
 (shown in months)

Felony Classes B1, B2, C, D, and E							
15-27	56-77	97-126	138-175	179-224	220-273	261-323	302-372
16-29	57-78	98-127	139-176	180-225	221-275	262-324	303-373
17-30	58-79	99-128	140-177	181-227	222-276	263-325	304-374
18-31	59-80	100-129	141-179	182-228	223-277	264-326	305-375
19-32	60-81	101-131	142-180	183-229	224-278	265-327	306-377
20-33	61-83	102-132	143-181	184-230	225-279	266-329	307-378
21-35	62-84	103-133	144-182	185-231	226-281	267-330	308-379
22-36	63-85	104-134	145-183	186-233	227-282	268-331	309-380
23-37	64-86	105-135	146-185	187-234	228-283	269-332	310-381
24-38	65-87	106-137	147-186	188-235	229-284	270-333	311-383
25-39	66-89	107-138	148-187	189-236	230-285	271-335	312-384
26-41	67-90	108-139	149-188	190-237	231-287	272-336	313-385
27-42	68-91	109-140	150-189	191-239	232-288	273-337	314-386
28-43	69-92	110-141	151-191	192-240	233-289	274-338	315-387
29-44	70-93	111-143	152-192	193-241	234-290	275-339	316-389
30-45	71-95	112-144	153-193	194-242	235-291	276-341	317-390
31-47	72-96	113-145	154-194	195-243	236-293	277-342	318-391
32-48	73-97	114-146	155-195	196-245	237-294	278-343	319-392
33-49	74-98	115-147	156-197	197-246	238-295	279-344	320-393
34-50	75-99	116-149	157-198	198-247	239-296	280-345	321-395
35-51	76-101	117-150	158-199	199-248	240-297	281-347	322-396
36-53	77-102	118-151	159-200	200-249	241-299	282-348	323-397
37-54	78-103	119-152	160-201	201-251	242-300	283-349	324-398
38-55	79-104	120-153	161-203	202-252	243-301	284-350	325-399
39-56	80-105	121-155	162-204	203-253	244-302	285-351	326-401
40-57	81-107	122-156	163-205	204-254	245-303	286-353	327-402
41-59	82-108	123-157	164-206	205-255	246-305	287-354	328-403
42-60	83-109	124-158	165-207	206-257	247-306	288-355	329-404
43-61	84-110	125-159	166-209	207-258	248-307	289-356	330-405
44-62	85-111	126-161	167-210	208-259	249-308	290-357	331-407
45-63	86-113	127-162	168-211	209-260	250-309	291-359	332-408
46-65	87-114	128-163	169-212	210-261	251-311	292-360	333-409
47-66	88-115	129-164	170-213	211-263	252-312	293-361	334-410
48-67	89-116	130-165	171-215	212-264	253-313	294-362	335-411
49-68	90-117	131-167	172-216	213-265	254-314	295-363	336-413
50-69	91-119	132-168	173-217	214-266	255-315	296-365	337-414
51-71	92-120	133-169	174-218	215-267	256-317	297-366	338-415
52-72	93-121	134-170	175-219	216-269	257-318	298-367	339-416
53-73	94-122	135-171	176-221	217-270	258-319	299-368	340 or more*
54-74	95-123	136-173	177-222	218-271	259-320	300-369	
55-75	96-125	137-174	178-223	219-272	260-321	301-371	

*Where minimum term is 340 months or more, maximum is 120% of minimum rounded to next highest month, plus 9 months.

Table 2 (continued)
Felony Minimum and Maximum Prison/Jail Terms
 (shown in months)

Felony Classes F, G, H, and I							
3-4	9-11	15-18	21-26	27-33	33-40	39-47	45-54
4-5	10-12	16-20	22-27	28-34	34-41	40-48	46-56
5-6	11-14	17-21	23-28	29-35	35-42	41-50	47-57
6-8	12-15	18-22	24-29	30-36	36-44	42-51	48-58
7-9	13-16	19-23	25-30	31-38	37-45	43-52	49-59
8-10	14-17	20-24	26-32	32-39	38-46	44-53	

SOURCE: G.S. 15A-1340.17(e), (e1).

Table 3

STATE OF NORTH CAROLINA				File No. _____																						
_____ County				In The General Court Of Justice <input type="checkbox"/> District <input type="checkbox"/> Superior Court Division																						
STATE VERSUS				WORKSHEET PRIOR RECORD LEVEL FOR FELONY SENTENCING AND PRIOR CONVICTION LEVEL FOR MISDEMEANOR SENTENCING (STRUCTURED SENTENCING) G.S. 15A-1340.14, 15A-1340.21																						
Name And Address Of Defendant _____																										
Social Security No. _____		SID No. _____																								
Race _____	Sex _____	DOB _____																								
<p>NOTE: This worksheet is provided to assist the attorney for the state in calculating and presenting the defendant's prior record level or prior conviction level. Record the defendant's prior record on the reverse side of this form or attach a copy of the defendant's prior record pursuant to G.S. 15A-1340.14(f). If sentencing for a felony, count the number of prior convictions in each offense class and enter those totals in the chart in section I below. For multiple prior convictions at one session of court, see G.S. 15A-1340.14(d). Class 1 misdemeanor offenses under Chapter 20 are not assigned any points for determining prior record level for felony sentencing <u>except</u> misdemeanor death by vehicle [G.S. 20-141.4(a2)]. First Degree Rape and First Degree Sexual offense convictions prior to October 1, 1994, are Class B1 convictions.</p>																										
I. SCORING PRIOR RECORD/FELONY SENTENCING																										
NUMBER	TYPE	POINTS																								
	Prior Felony Class A Conviction	X 10																								
	Prior Felony Class B1 Conviction	X 9																								
	Prior Felony Class B2 or C or D Conviction	X 6																								
	Prior Felony Class E or F or G Conviction	X 4																								
	Prior Felony Class H or I Conviction	X 2																								
	Prior Class 1 Misdemeanor Conviction (see note)	X 1																								
	SUBTOTAL																									
If all the elements of the present offense are included in the prior offense		+ 1																								
If the offense was committed: (a) while on probation, parole, or post-release supervision; or (b) while serving a sentence of imprisonment; or (c) while on escape		+ 1																								
	TOTAL																									
II. CLASSIFYING PRIOR RECORD/CONVICTION LEVEL																										
MISDEMEANOR			FELONY																							
<p>NOTE: If sentencing for a misdemeanor, total the number of prior conviction(s) listed on the reverse and select the corresponding prior conviction level.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <th>No. Of Prior Convictions</th> <th>Level</th> </tr> <tr> <td>0</td> <td>I</td> </tr> <tr> <td>1 - 4</td> <td>II</td> </tr> <tr> <td>5 +</td> <td>III</td> </tr> </table> <p style="text-align: center;"> <input type="checkbox"/> The Court has determined the number of prior convictions to be _____ and the level to be as shown above. </p>			No. Of Prior Convictions	Level	0	I	1 - 4	II	5 +	III	<p>NOTE: If sentencing for a felony, locate the prior record level which corresponds to the prior record determined in section I above.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <th>Points</th> <th>Level</th> </tr> <tr> <td>0</td> <td>I</td> </tr> <tr> <td>1 - 4</td> <td>II</td> </tr> <tr> <td>5 - 8</td> <td>III</td> </tr> <tr> <td>9 - 14</td> <td>IV</td> </tr> <tr> <td>15 - 18</td> <td>V</td> </tr> <tr> <td>19+</td> <td>VI</td> </tr> </table> <p style="text-align: center;"> <input type="checkbox"/> The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein. </p>		Points	Level	0	I	1 - 4	II	5 - 8	III	9 - 14	IV	15 - 18	V	19+	VI
No. Of Prior Convictions	Level																									
0	I																									
1 - 4	II																									
5 +	III																									
Points	Level																									
0	I																									
1 - 4	II																									
5 - 8	III																									
9 - 14	IV																									
15 - 18	V																									
19+	VI																									
PRIOR CONVICTION LEVEL 			PRIOR RECORD LEVEL 																							
Date _____	Name Of Presiding Judge (Type Or Print) _____	Signature Of Presiding Judge _____																								
AOC-CR-600 New 10/94		(Over)																								

Table 3 (continued)

[illegible]

AOC-CR-600, Side Two
New 10/94

Table 4
Misdemeanor Sentence Dispositions and Prison/Jail Term Ranges
 A = active punishment I = intermediate punishment C = community punishment

Misdemeanor Class (Fine)	Level I: No Prior Convictions	Level II: 1 to 4 Prior Convictions	Level III: 5 or More Prior Convictions
Class 1 (fine discretionary)	C 1-45 days	C/I/A 1-45 days	C/I/A 1-120 days
Class 2 (maximum fine \$1,000)	C 1-30 days	C/I 1-45 days	C/I/A 1-60 days
Class 3 (maximum fine \$200)	C 1-10 days	C/I 1-15 days	C/I/A 1-20 days

SOURCE: G.S. 15A-1340.23(c).

Part 1

Punishment Chart for North Carolina Crimes

Detailed Table of Contents

Description of Punishment Chart for Crimes	21
Punishment Chart*	23
Chapter 5A: Contempt	23
Chapter 14: Criminal Law	24
[General Provisions]	
Felonies and Misdemeanors 24	
Principals and Accessories 25	
Habitual Felons 26	
Violent Habitual Felons 26	
[Offenses Against the Person]	
Homicide 26	
Rape and Other Sex Offenses 26	
Assaults 27	
Hazing 28	
Kidnapping and Abduction 28	
Abortion and Kindred Offenses 28	
Libel and Slander 28	
Malicious Injury or Damage by Use of Explosive or Incendiary Device 29	
[Offenses Against the Habitation and Other Buildings]	
Burglary and Other Housebreakings 29	
Arson and Other Burnings 30	
[Offenses Against Property]	
Larceny 31	
Robbery 33	
Embezzlement 33	
False Pretenses and Cheats 33	
Obtaining Property or Services by False or Fraudulent Use of Credit Device 34	
Financial Transaction Card Crime Act 34	
Frauds 35	
Forgery 36	
[Criminal Trespass]	
Damages and Other Offenses Against Land and Fixtures 36	
Trespassing Upon "Posted" Property to Hunt, Fish, or Trap 37	
First and Second Degree Trespass 38	
Trespasses to Personal Property 38	
Protection of Bailor Against Acts of Bailee 38	

*The headings in the "Punishment Chart for Crimes" are drawn from the North Carolina General Statutes. The chapter headings refer to chapters in the General Statutes, the bracketed headings refer to subchapters, and the headings below each bracketed heading refer to articles. Chapter and article headings are shown in the body of the punishment chart; the subchapter references do not appear in the punishment chart but are included here to show how the articles are organized.

[Offenses Against Public Morality and Decency]	
Offenses Against Public Morality and Decency	38
Adult Establishments	39
Prostitution	40
[Offenses Against Public Justice]	
Perjury	40
Bribery	40
Obstructing Justice	40
Misconduct in Public Office	41
Prison Breach and Prisoners	41
[Offenses Against the Public Peace]	
Offenses Against the Public Peace	42
[Offenses Against the Public Safety]	
Offenses Against the Public Safety	43
Riots and Civil Disorders	43
[General Police Regulations]	
Lotteries, Gaming, Bingo, and Raffles	45
Protection of Minors	45
Protection of the Family	46
Regulation of Sales	46
Cruelty to Animals	47
Miscellaneous Police Regulations	47
Sale of Weapons in Certain Counties	48
Sale, etc., of Pyrotechnics	48
Felony Firearms Act	48
Public Intoxication	48
Computer-Related Crime	48
Chapter 18B: Regulation of Alcoholic Beverages	49
Chapter 20: Motor Vehicles	50
Chapter 49: Bastardy	50
Chapter 58: Insurance	50
Chapter 67: Dogs	50
Chapter 90: Medicine and Allied Occupations	51
North Carolina Controlled Substances Act	51
North Carolina Toxic Vapors Act	57
Drug Paraphernalia	57
Chapter 108A: Social Services	57
Chapter 113: Conservation and Development	57
Chapter 136: Roads and Highways	58
Chapter 148: State Prison System	58
Index to Punishment Chart for Crimes	59

Description of Punishment Chart for Crimes

The "Punishment Chart for North Carolina Crimes" is current through the 1994 General Assembly. It includes changes made by the new structured sentencing laws, enacted during the 1993 regular session, as well as additional changes enacted during the 1994 extra session and the 1994 regular session, which adjourned in July 1994. The chart does not include all crimes under North Carolina law, but it is intended to include the crimes that appear most frequently on the criminal dockets of district and superior courts. The chart includes some offenses from Chapter 20 of the General Statutes—those closely related to other offenses listed in the chart. For the most part, however, Chapter 20 violations are listed in the "Punishment Chart for North Carolina Motor Vehicle Offenses," which appears in Part 2 of this booklet.

The chart is divided into three columns and is organized numerically, by statute number. (A detailed alphabetical index appears at the end of the chart.) The first column lists the statutory reference for the offense. When more than one statute describes the offense or punishment, the additional statutory references are listed in ascending chronological order except when a lower-numbered statute applies to an offense without specifically referring to it. When more than one offense is listed for a particular statute, the statute is cited once and the different offenses appear immediately after the statute or in the footnotes.

The second column contains a brief description of the offense. The description is intended to provide sufficient information to identify the offense; it does not purport to list all of the elements.

The third column indicates the class of the offense. Where additional information is relevant to the punishment for a particular offense, the information is included in that column or in the footnotes. General information about the punishments for different classes of offenses is contained in the Introduction, which describes how sentences are determined under the new structured sentencing laws.

Punishment Chart for North Carolina Crimes

Statute	Description of Offense	Punishment
Chapter 5A: Contempt¹		
5A-11(a), -12(a)	Criminal contempt, generally	Censure, imprisonment up to 30 days, fine up to \$500, or combination thereof ²
5A-11(a) (8), -12(a)	Criminal contempt by refusal to testify after being granted immunity	Censure, imprisonment up to 6 months, fine up to \$500, or combination thereof
5A-12(a)	Criminal contempt by failure to comply with nontestimonial identification order	Censure, imprisonment up to 90 days, fine up to \$500, or combination thereof

1. Although criminal contempt is characterized as a crime, it is not clear that it constitutes a "misdemeanor." *See generally* Blue Jeans Corp. v. Amalgamated Clothing Workers of America, 275 N.C. 503, 508, 169 S.E.2d 867, 870 (1969) (characterizing criminal contempt as *sui generis*, i.e., one of a kind). If considered a misdemeanor, however, a criminal contempt punishable by imprisonment of up to 30 days would constitute a Class 3 misdemeanor, and a criminal contempt punishable by imprisonment of up to 6 months would constitute a Class 2 misdemeanor. *See* G.S. 14-3(a) (designating classes of misdemeanors for which a punishment, but no classification, is stated).

2. G.S. 5A-12(b) provides that a 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 G.S. 5A-11(5) or to jury tampering under G.S. 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, but that the total period of imprisonment for the same conduct is limited as provided in G.S. 5A-21(c). Pursuant to that section, the total period of imprisonment may not exceed the period during which the contemner may be imprisoned for civil contempt or the period of imprisonment provided in G.S. 5A-12(a), whichever is greater.

Statute	Description of Offense	Punishment
Chapter 14: Criminal Law		
Article 1:	Felonies and Misdemeanors	
14-2.2(a)	Use, display, or threatened use or display of firearm during commission of Class A through E felony	Imprisonment of 60 months in addition to punishment for underlying felony ³
14-2.4(a)	Conspiracy to commit felony	Unless different classification stated, punishable as felony one class lower than felony defendant conspired to commit ⁴
14-2.4(b)	Conspiracy to commit misdemeanor	Unless different classification stated, punishable as misdemeanor one class lower than misdemeanor defendant conspired to commit ⁵
14-2.5	Attempt to commit felony or misdemeanor	Unless different classification stated, punishable under next lower classification as offense attempted ⁶
14-2.6(a)	Solicitation to commit felony	Unless different classification stated, punishable as felony two classes lower than felony solicited ⁷
14-2.6(b)	Solicitation to commit misdemeanor	Unless different classification stated, punishable as Class 3 misdemeanor

3. Using, displaying, or threatening to use or display a firearm during the commission of a Class A through E felony is not a crime. It is a circumstance that subjects the defendant to an enhanced punishment upon conviction of the underlying felony. G.S. 14-2.2(a) provides that the additional sentence may not be suspended; the person may not be placed on probation for the sentence; and 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. G.S. 14-2.2(b) provides that the firearm enhancement is inapplicable if the person is not sentenced to an active term of imprisonment; the evidence of the use, display, or threatened use or display of a firearm is necessary to prove an element of the underlying felony; or the person did not actually possess a firearm about his or her person.

4. Unless a different classification is stated, conspiracy to commit a Class A or B1 felony is a Class B2 felony, conspiracy to commit a Class B2 felony is a Class C felony, and conspiracy to commit a Class I felony is a Class 1 misdemeanor. G.S. 14-2.4(a).

5. Unless a different classification is stated, conspiracy to commit a Class 3 misdemeanor is a Class 3 misdemeanor. G.S. 14-2.4(b).

6. Unless a different classification is stated, attempt to commit a Class A or B1 felony is a Class B2 felony, attempt to commit a Class B2 felony is a Class C felony, attempt to commit a Class I felony is a Class 1 misdemeanor, and attempt to commit a Class 3 misdemeanor is a Class 3 misdemeanor. G.S. 14-2.5.

7. Unless a different classification is stated, solicitation to commit a Class A or B1 felony is a Class C felony, solicitation to commit a Class B2 felony is a Class D felony, solicitation to commit a Class H felony is a Class 1 misdemeanor, and solicitation to commit a Class I felony is a Class 2 misdemeanor. G.S. 14-2.6(a).

Statute	Description of Offense	Punishment
14-3(a)	Misdemeanors without a specific classification and punishment	Class 1 misdemeanor ⁸
14-3(b)	Misdemeanors that are infamous, done in secrecy and malice, or committed with deceit and intent to defraud	If no specific punishment prescribed, punishable as Class H felony ⁹
14-3(c)	Misdemeanors committed because of the victim's race, color, religion, nationality, or country of origin	Class 2 or 3 misdemeanor committed for proscribed reason is punishable as Class 1 misdemeanor; Class 1 misdemeanor committed for proscribed reason is punishable as Class I felony
14-4(a)	Violation of municipal, county, or metropolitan sewer district ordinance, except those specified in 14-4(b)	Class 3 misdemeanor ¹⁰
14-4(b)	Violation of municipal or county ordinance regulating operation or parking of vehicles	Infraction, punishable by penalty up to \$50
Article 2: Principals and Accessories		
14-5.2	Accessory to felony before the fact	Punished as principal ¹¹

8. Misdemeanors with a specific punishment, but without a specific classification, are punishable as follows: (1) as a Class 1 misdemeanor if punishable by more than 6 months imprisonment; (2) as a Class 2 misdemeanor if punishable by more than 30 days but not more than 6 months imprisonment; and (3) as a Class 3 misdemeanor if punishable by imprisonment of 30 days or less or by a fine only. G.S. 14-3(a).

9. The general test for determining whether a misdemeanor is "infamous" and punishable as a felony is contained in *State v. Glidden*, 317 N.C. 557, 346 S.E.2d 470 (1986). The case is noted in the chart where applicable.

Before adoption of structured sentencing, the courts considered whether inchoate crimes, such as attempt or solicitation, could be considered infamous. *See, e.g.*, *State v. Glidden*, 317 N.C. 557, 346 S.E.2d 470 (1986) (collecting cases); *State v. Grant*, 261 N.C. 652, 135 S.E.2d 666 (1964) (attempted felonious breaking and entering is *not* infamous misdemeanor); *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) (solicitation to commit perjury is infamous misdemeanor); *State v. Tyner*, 50 N.C. App. 206, 272 S.E.2d 62, *disc. rev. denied*, 302 N.C. 633, 280 S.E.2d 451 (1981) (solicitation to commit crime against nature is *not* infamous misdemeanor). Under structured sentencing, this inquiry is moot. Conspiracy, attempt, and solicitation now have specific punishments (under G.S. 14-2.4, 14-2.5, and 14-2.6, respectively), removing them from the class of offenses for which no specific punishment is prescribed and therefore from the operation of G.S. 14-3(b).

10. G.S. 14-4(a) limits any fine to \$50 unless the ordinance expressly states that the maximum fine is greater than \$50. The maximum fine permitted for a violation of G.S. 14-4(a) is unclear, however. On the one hand, the \$500 limit contained in former G.S. 14-4(a) has been eliminated. On the other hand, current G.S. 14-4(a) makes an ordinance violation a Class 3 misdemeanor, which ordinarily carries a maximum fine of \$200 under G.S. 15A-1340.23(b) (establishing maximum fine that may be imposed for each class of misdemeanor when fine not otherwise specified).

11. 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. G.S. 14-5.2 creates one exception to this rule. 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 B2 felony. Even if this exception is not applicable, it would be unconstitutional in certain circumstances to impose the death penalty on a person who might otherwise constitute an accessory before the fact to a capital offense. *See Enmund v. Florida*, 458 U.S. 782, 102 S. Ct. 3368, 73 L. Ed. 2d 1140 (1982); N.C.P.I.-Crim. 150.10 (Feb. 1993).

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

Statute	Description of Offense	Punishment
14-7	Accessory to felony after the fact	Class H felony ¹²
Article 2A:	Habitual Felons	
14-7.1 to -7.6	Habitual felon	Class C felony ¹³
Article 2B:	Violent Habitual Felons	
14-7.7 to -7.12	Violent habitual felon	Life imprisonment without parole ¹⁴
Article 6:	Homicide	
14-17	Murder:	
	First-degree	Class A felony ¹⁵
	Second-degree	Class B2 felony
14-18	Manslaughter:	
	Voluntary	Class E felony
	Involuntary	Class F felony
Article 7A:	Rape and Other Sex Offenses	
14-27.2	First-degree rape	Class B1 felony
14-27.3	Second-degree rape	Class C felony
14-27.4	First-degree sexual offense	Class B1 felony
14-27.5	Second-degree sexual offense	Class C felony

12. 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).

13. Being a 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). G.S. 14-7.6 provides that, upon conviction as a habitual felon, the defendant is sentenced as a Class C felon for the underlying felony (except if the conviction is for a Class A, B1, or B2 felony). G.S. 14-7.6 also provides that the enhanced sentence may not be suspended; the person may not be placed on probation for the sentence; and 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.

14. Being a violent habitual felon is not a crime. It is a status that subjects the defendant to an enhanced punishment upon conviction of a third violent felony as defined in G.S. 14-7.7. Upon conviction as a violent habitual felon, the defendant must be sentenced to life without parole, except where the death penalty is imposed. (Unlike the habitual felon law, the classification of the underlying felony does not change.) G.S. 14-7.12 provides that the enhanced sentence may not be suspended; the person may not be placed on probation for the sentence; and 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.

15. First-degree murder committed by a person under 17 years of age at the time of the offense is punishable by life imprisonment only, even though it is a Class A felony. 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.

Statute	Description of Offense	Punishment
14-27.7	Sexual act: by parental substitute with minor by custodian with victim of any age	Class E felony Class E felony
Article 8:	Assaults	
14-28	Malicious castration with intent to injure	Class C felony
14-29	Castration or maiming with intent to injure but without malice	Class E felony
14-30	Malicious maiming with intent to injure	Class C felony
14-30.1	Malicious acid throwing with intent to injure	Class E felony
14-31	Malicious assault and battery with deadly weapon in secret manner and with intent to kill	Class E felony
14-32(a)	Assault with deadly weapon with intent to kill, inflicting serious injury	Class C felony
14-32(b)	Assault with deadly weapon, inflicting serious injury	Class E felony
14-32(c)	Assault with deadly weapon with intent to kill	Class E felony
14-32.1(e)	Assault on handicapped person: aggravated assault or aggravated assault and battery	Class F felony
14-32.1(f)	Assault on handicapped person: simple assault or battery	Class 1 misdemeanor
14-32.2(b) (1)	Patient abuse: intentional conduct resulting in death	Class C felony
14-32.2(b) (2)	Patient abuse: culpably negligent conduct resulting in death	Class E felony
14-32.2(b) (3)	Patient abuse: conduct resulting in serious bodily injury	Class F felony
14-33(a)	Simple assault, simple assault and battery, or simple affray	Class 1 misdemeanor
14-33(b) (1)	Assault, assault and battery, or affray: inflicting serious injury with deadly weapon	Class 1 misdemeanor Class 1 misdemeanor
14-33(b) (2)	Assault on female	Class 1 misdemeanor
14-33(b) (3)	Assault on child under 12	Class 1 misdemeanor
14-33(b) (8)	Assault on officer or employee of state or political subdivision or on company or campus police officer	Class 1 misdemeanor
14-33(b) (9)	Assault and battery on sports official	Class 1 misdemeanor
14-34	Assault by pointing gun	Class 1 misdemeanor
14-34.1	Discharging firearm into occupied property	Class E felony

Statute	Description of Offense	Punishment
14-34.2	Assault with deadly weapon on, officer or employee of state or political subdivision or on company or campus police officer	Class F felony
14-34.4(a)	Tampering with food, drugs, or cosmetics with intent to cause serious injury	Class C felony
14-34.4(b)	Threatening to tamper with food, drugs, or cosmetics with intent to extort	Class C felony
Article 9:	Hazing	
14-35	Hazing	Class 2 misdemeanor
14-36	Failure to expel student convicted of hazing	Class 1 misdemeanor
Article 10:	Kidnapping and Abduction¹⁶	
14-39	Kidnapping:	
	First-degree	Class C felony
	Second-degree	Class E felony
14-41	Abduction of child under 14	Class F felony
14-43.2	Involuntary servitude	Class F felony
14-43.3	Felonious restraint	Class F felony
Article 11:	Abortion and Kindred Offenses	
14-44	Using drugs or instruments with intent to destroy unborn child	Class H felony ¹⁷
14-45	Using drugs or instruments with intent to produce miscarriage or injure pregnant woman	Class I felony ¹⁸
14-46	Concealing birth of child:	
	Concealing	Class I felony
	Aiding or abetting another in concealing	Class 1 misdemeanor
Article 12:	Libel and Slander	
14-47	Communicating libelous matter to newspaper	Class 2 misdemeanor

16. The common law also makes false imprisonment a misdemeanor. It would be punishable as a Class 1 misdemeanor under G.S. 14-3(a) (misdemeanors without specific classification and punishment).

17. 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.

18. See note 17.

Statute	Description of Offense	Punishment
Article 13: Malicious Injury or Damage by Use of Explosive or Incendiary Device		
14-49(a)	Malicious use of explosive or incendiary device to injure another	Class D felony
14-49(b)	Malicious use of explosive or incendiary device to damage property	Class G felony
14-49.1	Malicious use of explosive or incendiary device to damage occupied property	Class D felony
Article 14: Burglary and Other Housebreakings		
14-51, -52	Burglary:	
	First-degree	Class D felony
	Second-degree	Class G felony
14-53	Breaking out of dwelling house	Class D felony
14-54(a)	Breaking or entering building with intent to commit felony or larceny	Class H felony
14-54(b)	Misdemeanor breaking or entering building	Class 1 misdemeanor
14-55	Preparation to commit burglary	Class I felony ¹⁹
14-56	Breaking or entering car, boat, airplane, etc., with intent to commit felony or larceny	Class I felony ²⁰
14-56.1	Breaking into coin/currency-operated machine:	
	first offense	Class 1 misdemeanor
	subsequent offense	Class I felony
14-56.2	Damaging coin/currency-operated machine	Class 1 misdemeanor
14-56.3	Breaking into paper currency machine:	
	first offense	Class 1 misdemeanor
	subsequent offense	Class I felony
14-57	Burglary with explosive	Class D felony

19. 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).

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

Statute	Description of Offense	Punishment
Article 15:	Arson and Other Burnings	
14-58	Arson:	
	First-degree	Class D felony ²¹
	Second-degree	Class G felony
14-59	Burning public building	Class F felony
14-60	Burning educational institution	Class F felony
14-61	Burning bridges, certain other buildings	Class F felony
14-62	Burning churches, certain other buildings	Class F felony
14-62.1	Burning building in process of construction	Class H felony
14-63	Burning boat or barge	Class H felony
14-64	Burning ginhouse or tobacco house	Class H felony
14-65	Burning dwelling house owned or occupied by defendant	Class H felony
14-66	Burning personal property	Class H felony
14-67.1	Burning of building not otherwise covered by statute	Class H felony
14-69.1(a)	Making false report of destructive device in any structure	Class 1 misdemeanor
14-69.1(b)	Making false report of destructive device in hospital facility:	
	first offense	Class 1 misdemeanor ²²
	subsequent offense	Class I felony
14-69.2(a), -69.2(b)	Perpetrating hoax by use of false bomb in any structure:	
	first offense	Class 1 misdemeanor
	subsequent offense	Class I felony
14-69.2(b)	Perpetrating hoax by use of false bomb in hospital facility:	
	first offense	Class 1 misdemeanor ²³
	subsequent offense	Class I felony

21. 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. . . ."

22. G.S. 14-69.1(b) provides that a first offense is punishable by a minimum of 100 hours of community service.

23. G.S. 14-69.2(b) provides that a first offense is punishable by a minimum of 100 hours of community service.

Statute	Description of Offense	Punishment
Article 16:	Larceny	
14-70, -72(a)	Larceny:	
	of goods valued up to \$1,000	Class 1 misdemeanor
	of goods valued over \$1,000	Class H felony ²⁴
14-70, -72(a), -72(b) (1)	Larceny from person	Class H felony
14-70, -72(a), -72(b) (2)	Larceny pursuant to burglary or breaking or entering in violation of 14-51, -53, -54, or -57	Class H felony
14-70, -72(a), -72(b) (3)	Larceny of explosive or incendiary device or substance	Class H felony
14-70, -72(a), -72(b) (4)	Larceny of firearm	Class H felony
14-70, -72(a), -72(b) (5)	Larceny of record or paper in custody of State Archives	Class H felony
14-71, -72(a)	Receiving:	
	stolen goods valued up to \$1,000	Class 1 misdemeanor
	stolen goods valued over \$1,000	Class H felony ²⁵
14-71, -72(c)	Receiving:	
	goods stolen from a person	Class H felony
	goods stolen pursuant to burglary or breaking or entering in violation of 14-51, -53, -54, or -57	Class H felony
	stolen explosive or incendiary device or substance	Class H felony
	stolen firearm	Class H felony
	stolen record or paper in custody of State Archives	Class H felony
14-71.1, -72(a)	Possession:	
	of stolen goods valued up to \$1,000	Class 1 misdemeanor
	of stolen goods valued over \$1,000	Class H felony ²⁶

24. 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.

25. See note 24.

26. See note 24.

Statute	Description of Offense	Punishment
14-71.1, -72(c)	Possession:	
	of goods stolen from a person	Class H felony
	of goods stolen pursuant to burglary or breaking or entering in violation of 14-51, -53, -54, or -57	Class H felony
	of stolen explosive or incendiary device or substance	Class H felony
	of stolen firearm	Class H felony
	of stolen record or paper in custody of State Archives	Class H felony
14-72.1(a), -72.1(e)	Willful concealment of merchandise:	
	first offense	Class 3 misdemeanor ²⁷
	second offense within 3 years of conviction of first offense	Class 2 misdemeanor ²⁸
	third or subsequent offense within 5 years of two prior convictions	Class 1 misdemeanor ²⁹
	subsequent offense not falling into above two categories	Class 3 misdemeanor ³⁰
14-72.1(d), -72.1(e)	Switching price tags:	
	first offense	Class 3 misdemeanor ³¹
	second offense within 3 years of conviction of first offense	Class 2 misdemeanor ³²
	third or subsequent offense within 5 years of two prior convictions	Class 1 misdemeanor ³³
	subsequent offense not falling into above two categories	Class 3 misdemeanor ³⁴
14-72.2(a), -72.2(b)	Unauthorized use:	
	of motor vehicle, motorboat, or other motor-propelled conveyance	Class 1 misdemeanor
	of aircraft	Class H felony

27. G.S. 14-72.1(e) provides that the term of imprisonment may be suspended only on condition that the defendant perform community service for a term of at least 24 hours. If the judge finds that the defendant is unable to perform community service because of a mental or physical infirmity, the judge may impose 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(g) contains additional limitations on terms of active imprisonment, but it is unclear how to apply those limitations in light of structured sentencing.

28. G.S. 14-72.1(e) provides that the term of imprisonment may be suspended only on condition that the defendant be imprisoned for at least 72 hours as a condition of special probation, perform community service for at least 72 hours, or both. If the judge finds that the defendant is unable to perform community service because of a mental or physical infirmity, the judge may impose such other sentence as he or she finds appropriate, provided that the judge sets out the reasons for this finding in the judgment. G.S. 14-72.1(g) contains additional limitations on terms of active imprisonment, but it is unclear how to apply those limitations in light of structured sentencing.

29. G.S. 14-72.1(e) provides that the term of imprisonment may be suspended only if one condition of special probation is that the defendant serve a term of imprisonment of at least 14 days. G.S. 14-72.1(g) contains additional limitations on terms of active imprisonment, but it is unclear how to apply those limitations in light of structured sentencing.

30. See note 27.

31. See note 27.

32. See note 28.

33. See note 29.

34. See note 27.

Statute	Description of Offense	Punishment
14-74	Larceny or embezzlement by employee	Class H felony
14-75.1	Larceny of secret technical process	Class H felony
14-76	Larceny of public records or papers	Class 1 misdemeanor
14-77	Larceny of will	Class 1 misdemeanor
14-81(a)	Larceny of horse, mule, swine, or cattle	Class H felony ³⁵
14-81(a1)	Larceny of a dog	Class I felony ³⁶

Article 17: Robbery

14-87	Armed robbery or attempted armed robbery	Class D felony
14-87.1	Common-law robbery	Class G felony
14-88	Train robbery	Class D felony
14-89.1	Safecracking or attempted safecracking	Class I felony

Article 18: Embezzlement

14-90	Embezzlement by agent or fiduciary	Class H felony
14-91	Embezzlement of state property	Class F felony
14-92	Embezzlement by public officer or trustee	Class F felony
14-93	Embezzlement by treasurer of charitable or religious organization	Class H felony ³⁷
14-94	Embezzlement by officer of railroad company	Class H felony
14-97	Appropriation of partnership funds by partner	Class H felony
14-98	Embezzlement by surviving partner, with refusal to account for funds	Class H felony
14-99	Embezzlement of taxes by public officer	Class F felony

Article 19: False Pretenses and Cheats

14-100	Obtaining or attempting to obtain property by false pretenses	Class H felony
14-101	Obtaining signature by false pretenses	Class H felony

35. G.S. 14-81(b) provides that the minimum sentence for this offense is probation subject to the following conditions: (1) restitution for the damage or loss caused by the larceny and (2) a fine of not less than the amount of damages or loss caused by the larceny.

36. See note 35.

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

Statute	Description of Offense	Punishment
14-104	Obtaining advance by false promise to work	Class 2 misdemeanor
14-105	Obtaining advance by false written promise to pay out of designated property	Class 2 misdemeanor
14-106	Obtaining property by worthless check	Class 2 misdemeanor
14-107	Knowingly writing worthless check over \$2,000	Class I felony ³⁸
14-107(1)	Knowingly writing worthless check for \$100 or less	Class 2 misdemeanor ³⁹
14-107(2)	Knowingly writing worthless check over \$100 and not more than \$2,000	Class 2 misdemeanor ⁴⁰
14-107(3)	Knowingly writing worthless check on nonexistent account	Class 1 misdemeanor ⁴¹
14-107(4)	Knowingly writing worthless check on closed account	Class 1 misdemeanor ⁴²
14-110	Defrauding innkeeper or restaurant owner	Class 2 misdemeanor
14-112	Obtaining merchandise on approval with intent to defraud	Class 2 misdemeanor
14-113	Obtaining money by false representation of physical defect	Class 2 misdemeanor
Article 19A: Obtaining Property or Services by False or Fraudulent Use of Credit Device		
14-113.1, -113.6	Obtaining or attempting to obtain goods through false telephone number, false credit number, or credit device	Class 2 misdemeanor ⁴³
14-113.4, -113.6	Avoiding or attempting to avoid lawful charges for telecommunications services	Class 2 misdemeanor
14-113.5, -113.6	Participating in theft of telecommunications service	Class 2 misdemeanor
Article 19B: Financial Transaction Card Crime Act⁴⁴		
14-113.9, -113.17(b)	Theft of financial transaction card	Class I felony

38. G.S. 14-107 provides that the judge, in imposing any sentence other than an active term of imprisonment, may require the defendant to pay as part of the costs a witness fee for each prosecuting witness and to make restitution to the victim for (i) the amount of the check, (ii) any service charges imposed on the payee by a bank for processing the dishonored check, and (iii) any processing fees imposed by the payee in compliance with G.S. 25-3-512.

39. If the defendant has been convicted three times of violating G.S. 14-107, the court may treat all subsequent convictions as Class 1 misdemeanors and may order, as a condition of probation, that the defendant refrain from maintaining a checking account or making or uttering a check for 3 years. G.S. 14-107. In imposing any sentence other than an active term of imprisonment, the judge may require the defendant to pay costs and make restitution as described in note 38.

40. See note 39.

41. See note 38.

42. See note 38.

43. This statute does not apply to credit cards. G.S. 14-113.7A.

44. 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.

Statute	Description of Offense	Punishment
14-113.11, -113.17(b)	Forgery of financial transaction card	Class I felony
14-113.13(a), -113.13(b), -113.17	Financial transaction card fraud: when value obtained in 6-month period is \$500 or less when value obtained in 6-month period exceeds \$500	Class 2 misdemeanor Class I felony
14-113.13(c), -113.17(a)	False statement on application for financial transaction card	Class 2 misdemeanor
14-113.13(c1), -113.17(a)	False record of sale submitted by person authorized to accept financial transaction card	Class 2 misdemeanor
14-113.13(d), -113.17(a)	False report of loss of financial transaction card	Class 2 misdemeanor
14-113.14, -113.17(b)	Criminal possession of financial transaction card forgery device	Class I felony
14-113.15, -113.17	Criminal receipt of goods or services obtained by financial transaction card fraud: when value obtained in 6-month period is \$500 or less when value obtained in 6-month period exceeds \$500	Class 2 misdemeanor Class I felony
14-113.15A, -113.17(b)	Criminal factoring of financial transaction card records	Class I felony
Article 20:	Frauds	
14-114(a)	Fraudulent disposal or purchase of collateral	Class 2 misdemeanor
14-115	Secreting property to hinder enforcement of security interest	Class 2 misdemeanor
14-118	Blackmail	Class 1 misdemeanor
14-118.1	Simulation of court process in connection with collection of claim, demand, or account	Class 2 misdemeanor
14-118.2(b)	Assisting in obtaining academic credit by fraudulent means	Class 2 misdemeanor
14-118.4	Extortion	Class F felony ⁴⁵
14-118.5(a)	Unauthorized interception of cable television service	Class 3 misdemeanor ⁴⁶
14-118.5(b)	Unauthorized sale of decoder for cable television signal	Class 3 misdemeanor ⁴⁷

45. Extortion is also a common-law crime, 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. 921, 12 S.E. 50 (1890); State v. Cansler, 75 N.C. 442 (1876).

46. A person may be fined up to \$500 for a violation of this section. G.S. 14-118.5.

47. *See* note 46.

Statute	Description of Offense	Punishment
Article 21:	Forgery⁴⁸	
14-119	Forgery of bank notes, checks, and securities	Class I felony
14-120	Forged instruments:	
	Uttering forged instruments	Class I felony
	Forging endorsement	Class I felony
	Uttering instrument with forged endorsement	Class I felony
14-121	Selling forged securities	Class H felony
14-122	Forgery of deeds, wills, etc.	Class H felony
14-122.1	Falsifying documents issued by school or government agency	Class 1 misdemeanor
14-124	Corporate stock certificates:	
	Forgery	Class I felony
	Uttering	Class I felony
Article 22:	Damages and Other Offenses Against Land and Fixtures	
14-127	Willful injury to real property	Class 1 misdemeanor
14-128	Injury to trees, crops, lands of another	Class 1 misdemeanor
14-130	Trespass on public lands	Class 1 misdemeanor
14-132(a) (1), -132(d)	Disorderly conduct in or near public building or facility	Class 2 misdemeanor
14-132(a) (2), -132(d)	Injuring public building or facility	Class 2 misdemeanor
14-132.2(a)	Injuring public school bus	Class 1 misdemeanor
14-132.2(b)	Entering public school bus after being forbidden	Class 2 misdemeanor
14-132.2(c)	Refusing to leave public school bus after demand	Class 2 misdemeanor
14-134.3	Domestic criminal trespass	Class 1 misdemeanor
14-136	Setting fire to grass, brushlands, or woodlands:	
	first offense	Class 2 misdemeanor
	subsequent offense	Class 1 misdemeanor
	with intent to damage property of another	Class I felony
14-137	Setting fire to woods or fields	Class 2 misdemeanor

48. Forgery is also a common-law misdemeanor. It would be punishable as a Class 1 misdemeanor under G.S. 14-3(a) (misdemeanors without a specific classification and punishment) unless considered an "infamous" misdemeanor under G.S. 14-3(b), in which case it would be punishable as a Class H felony. *See* State v. Glidden, 317 N.C. 557, 346 S.E.2d 470 (1986) (discusses test for determining whether offense is infamous, done in secrecy and malice, or committed with deceit and intent to defraud).

Statute	Description of Offense	Punishment
14-144	Injuring house, church, fence, or wall	Class 2 misdemeanor
14-145	Unlawful posting of advertisement	Class 3 misdemeanor
14-148(a) (1), -148(c)	Throwing trash in cemetery	Class 1 misdemeanor ⁴⁹
14-148(a) (2), -148(c)	Vandalizing cemetery enclosure, causing not more than \$1,000 damage	Class 1 misdemeanor ⁵⁰
14-148(a) (3), -148(c)	Vandalizing grave marker or ornament, causing not more than \$1,000 damage	Class 1 misdemeanor ⁵¹
14-149(a) (1)	Desecrating grave	Class I felony
14-149(a) (2)	Vandalizing cemetery enclosure, causing more than \$1,000 damage	Class I felony
14-149(a) (3)	Vandalizing grave marker or ornament, causing more than \$1,000 damage	Class I felony
14-151.1	Interfering with electric, gas, or water meter	Class 1 misdemeanor
14-158	Interfering with telephone lines	Class 2 misdemeanor
14-159.1	Contaminating public water system	Class C felony
14-159.2(a) (1), -159.2(b)	Unauthorized entry into animal research facility with intent to disrupt operations, damage facility, release any animal, or interfere with care of animals	Class 1 misdemeanor ⁵²
14-159.2(a) (2), -159.2(b)	Damaging animal research facility or property within facility	Class 1 misdemeanor ⁵³
14-159.2(a) (3), -159.2(b)	Unauthorized release of any animal from enclosure or restraining device within animal research facility	Class 1 misdemeanor ⁵⁴
14-159.2(a) (4), -159.2(b)	Interfering with care of any animal within animal research facility	Class 1 misdemeanor ⁵⁵
Article 22A: Trespassing Upon "Posted" Property to Hunt, Fish, or Trap		
14-159.6	Hunting or fishing on posted property	Class 2 misdemeanor

49. G.S. 14-148(c) provides that the court shall consider the appropriateness of restitution or reparation as a condition of probation as an alternative to imposition of a fine or jail term.

50. See note 49.

51. See note 49.

52. G.S. 14-159.2(c) provides that a violation of 14-159.2(a) involving release of an animal with an infectious disease is a Class I felony. 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.

53. See note 52.

54. See note 52.

55. See note 52.

Statute	Description of Offense	Punishment
Article 22B:	First and Second Degree Trespass⁵⁶	
14-159.12	First-degree trespass	Class 2 misdemeanor
14-159.13	Second-degree trespass	Class 3 misdemeanor
Article 23:	Trespasses to Personal Property	
14-160(a)	Willful injury to personal property, causing damage of not more than \$200	Class 2 misdemeanor
14-160(b)	Willful injury to personal property, causing damage in excess of \$200	Class 1 misdemeanor
14-160.1	Altering identification marks on personal property	Class 1 misdemeanor
14-163	Poisoning livestock	Class I felony
14-163.1	Injuring law-enforcement-agency animal	Class 1 misdemeanor
Article 24:	Protection of Bailor Against Acts of Bailee	
14-165	Malicious injury to hired personal property	Class 2 misdemeanor
14-167	Failing to return hired property	Class 2 misdemeanor
14-168	Renting equipment or vehicle with intent to defraud	Class 2 misdemeanor
14-168.4	Failing to return rented equipment on which there is a purchase option, with intent to defeat owner's rights	Class 2 misdemeanor
Article 26:	Offenses Against Public Morality and Decency	
14-177	Crime against nature	Class I felony
14-178	Incest between certain near relatives	Class F felony ⁵⁷
14-179	Incest between uncle and niece or aunt and nephew	Class 1 misdemeanor
14-183	Bigamy and bigamous cohabitation	Class I felony
14-184	Fornication and adultery	Class 2 misdemeanor
14-190.1	Disseminating obscenity	Class I felony
14-190.4	Coercing acceptance of obscene publication	Class 1 misdemeanor
14-190.5	Preparing obscene photograph, slide, or film for purpose of dissemination	Class 1 misdemeanor

56. The common law also makes forcible trespass a misdemeanor. It would be punishable as a Class 1 misdemeanor under G.S. 14-3(a) (misdemeanors without specific classification and punishment).

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.

Statute	Description of Offense	Punishment
14-190.6	Using minor to assist in obscenity offense	Class I felony
14-190.7	Disseminating obscenity to child under 16	Class I felony
14-190.8	Disseminating obscenity to child under 13	Class I felony
14-190.9	Indecent exposure or permitting use of premises for such	Class 2 misdemeanor
14-190.14	Displaying material harmful to minors	Class 2 misdemeanor ⁵⁸
14-190.15(a), -190.15(d)	Disseminating material harmful to minors	Class 1 misdemeanor
14-190.15(b), -190.15(d)	Exhibiting harmful performance to minor	Class 1 misdemeanor
14-190.16	First-degree sexual exploitation of minor	Class E felony
14-190.17	Second-degree sexual exploitation of minor	Class F felony
14-190.17A	Third-degree sexual exploitation of minor	Class I felony
14-190.18	Promoting prostitution of minor	Class F felony
14-190.19	Participating in prostitution of minor	Class F felony
14-196	Harassing phone calls	Class 2 misdemeanor
14-202	Peeping into room occupied by female	Class 1 misdemeanor
14-202.1	Taking, or attempting to take, indecent liberties with child	Class F felony
Article 26A:	Adult Establishments	
14-202.11, -202.12	Permitting facility to contain multiple adult establishments:	
	first offense	Class 3 misdemeanor
	subsequent offense	Class 2 misdemeanor
	Permitting adult establishment in facility where sexually oriented devices are contained:	
	first offense	Class 3 misdemeanor
	subsequent offense	Class 2 misdemeanor
	Permitting multiple occupancy in viewing booth in adult mini-motion picture theater:	
	first offense	Class 3 misdemeanor
	subsequent offense	Class 2 misdemeanor

⁵⁸. G.S. 14-190.14(b) provides that each day's violation of this section is a separate offense.

Statute	Description of Offense	Punishment
Article 27:	Prostitution⁵⁹	
14-204, -207, -208	Prostitution and aiding and abetting prostitution: in the first degree (two or more prior violations within 1 year)	Class 1 misdemeanor ⁶⁰
	in the second degree (single prior violation within 1 year)	Class 1 misdemeanor
14-204.1	Loitering for purpose of prostitution	Class 1 misdemeanor
Article 28:	Perjury	
14-209	Perjury	Class F felony
14-210	Subornation of perjury	Class I felony
Article 29:	Bribery	
14-217	Acceptance of bribe by public official	Class F felony
14-218	Offering a bribe	Class F felony
14-220	Offering bribe to, or acceptance of bribe by, juror	Class F felony
Article 30:	Obstructing Justice	
14-221	Breaking or entering jail, or conspiracy to break or enter jail, with intent to injure prisoner	Class F felony
14-221.1	Destruction of evidence	Class I felony
14-221.2	Altering court document or entering unauthorized judgment	Class H felony
14-223	Resisting, delaying, or obstructing officer	Class 2 misdemeanor
14-225	Making false report to law enforcement agency or officer	Class 2 misdemeanor
14-225.1	Picketing near courthouse with intent to interfere with administration of justice	Class 1 misdemeanor
14-225.2(a) (1), -225.2(c)	Harassing juror with intent to influence official action	Class H felony
14-225.2(a) (2), -225.2(c)	Harassing juror as result of prior official action	Class I felony
14-226	Intimidating, or attempting to intimidate, witness	Class H felony

59. G.S. 14-208 provides that no female convicted under Article 27 may be placed on probation or parole in the care of any person except a female probation officer.

60. G.S. 14-208 provides that a person convicted of first-degree prostitution may be committed to a reformatory institution for an indeterminate period of not less than 1 nor more than 3 years. The reformatory institution has the authority to discharge or parole the person after service of the minimum term.

Statute	Description of Offense	Punishment
14-226.1	Violating certain court orders	Class 3 misdemeanor ⁶¹
Article 31: Misconduct in Public Office		
14-228	Buying or selling public office	Class I felony
14-230	Willful failure by public officer to discharge duties	Class 1 misdemeanor
14-234.1	Misuse of confidential information	Class 1 misdemeanor
14-239	Allowing prisoner to escape	Class 1 misdemeanor
14-242	Failing to return process or making false return	Class 1 misdemeanor
14-247, -251	Private use of public vehicle	Class 2 misdemeanor
Article 33: Prison Breach and Prisoners		
14-255	Escape while hired out	Class 3 misdemeanor
14-256	Escape from county or municipal facility or officer of such facility	Class 1 misdemeanor
14-256(1)	Escape from county or municipal facility by felon, pending transfer to state prison system	Class I felony
14-256(2)	Escape from county or municipal facility by person serving sentence for felony	Class I felony
14-258	Trading:	
	with prisoners	Class H felony ⁶²
	when article conveyed to prisoner leads to murder, assault, or escape	Class F felony
14-258.1(a)	Furnishing poison, narcotics, or weapon to inmate	Class H felony ⁶³
14-258.1(b)	Furnishing alcohol to inmate	Class 1 misdemeanor ⁶⁴
14-258.2(a)	Dangerous weapons in prison/jail:	
	Possession of dangerous weapon by inmate	Class H felony
	Assault with dangerous weapon, inflicting bodily injury	Class F felony
	Use of dangerous weapon to effect escape	Class F felony
14-258.2(b)	Use of dangerous weapon to assist escape by inmate	Class H felony

61. G.S. 14-226.1 provides that a fine of up to \$250 may be imposed for this offense.

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

63. 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.

64. See note 63.

Statute	Description of Offense	Punishment
14-258.3	Taking of hostage by prisoner	Class F felony
14-259	Aiding escaped prisoner:	
	when prisoner is felon or charged with felony	Class I felony
	when prisoner is misdemeanor or charged with misdemeanor	Class 1 misdemeanor
Article 35:	Offenses Against the Public Peace	
14-269	Carrying concealed weapon	Class 2 misdemeanor
14-269.2(b)	Possession of certain firearms and explosives on educational property	Class I felony ⁶⁵
14-269.2(c)	Aiding a person under 18 to commit violation of 14-269.2(b)	Class I felony
14-269.2(d)	Possession of certain weapons, not specified in 14-269.2(c), on educational property	Class 1 misdemeanor
14-269.2(e)	Aiding a person under 18 to commit violation of 14-269.2(d)	Class 1 misdemeanor
14-269.3	Carrying gun into public event or establishment serving alcohol	Class 1 misdemeanor
14-269.4	Possession of weapon in courthouse and certain state property	Class 1 misdemeanor
14-269.6	Possession or sale of spring-loaded projectile knife	Class 1 misdemeanor
14-269.7	Possession of handgun by person under 18	Class 2 misdemeanor
14-275.1	Disorderly conduct at bus or railroad station or airport	Class 3 misdemeanor
14-276.1	Impersonation of fire fighter or emergency medical personnel	Class 3 misdemeanor
14-277(a), -277(d)	Impersonation: representing self as law enforcement officer	Class 1 misdemeanor
14-277(b), -277(d)	Impersonation: representing self as law enforcement officer and acting as such	Class 1 misdemeanor ⁶⁶
14-277(e)	Impersonation of city, county, or state employee	Class 1 misdemeanor
14-277.1	Communicating threats	Class 1 misdemeanor
14-277.2	Carrying weapon at parade or demonstration	Class 1 misdemeanor

65. G.S. 14-269.2(f) provides that it is a Class 1 misdemeanor, not a Class I felony, to possess a firearm on educational property if (1) the person is not a student attending the school; (2) the firearm is not concealed; (3) the firearm is not loaded and is locked up; and (4) the person does not brandish, exhibit, or display the firearm in a callous, angry, or threatening manner.

66. Any 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) perform community service for 72 hours, (3) pay a fine, or (4) any combination of these conditions. The judge may also impose any other lawful condition of probation. G.S. 14-277(d).

Statute	Description of Offense	Punishment
14-277.3	Stalking: first offense subsequent offense within 5 years	Class 2 misdemeanor ⁶⁷ Class I felony
14-277.4(a), -277.4(c)	Obstructing health care facility: first offense second offense within 3 years third or subsequent offense within 3 years	Class 2 misdemeanor Class 1 misdemeanor Class I felony
14-277.4(b), -277.4(c)	Injuring, or threatening to injure, person obtaining, aiding another to obtain, or providing health care services: first offense second offense within 3 years third or subsequent offense within 3 years	Class 2 misdemeanor Class 1 misdemeanor Class I felony
14-277.4(d)	Violating injunction obtained pursuant to 14-277.4	Criminal contempt, punishable by not less than 30 days or more than 1 year
Article 36:	Offenses Against the Public Safety	
14-281.1	Throwing object at sports event	Class 3 misdemeanor
14-283	Exploding dynamite cartridge or bomb	Class 1 misdemeanor
14-284	Unlicensed sale of explosives	Class 1 misdemeanor
14-284.1	Violating regulations governing sale of explosives	Class 2 misdemeanor
14-284.2	Dumping of toxic substances	Class F felony ⁶⁸
14-286	Giving false fire alarm	Class 2 misdemeanor
14-286.2(a) (1)	Interfering with emergency radio communication, causing serious bodily injury or property damage in excess of \$1,000	Class 1 misdemeanor
14-286.2(a) (2)	Interfering with emergency radio communication, not causing result in 14.286.2(a) (1)	Class 2 misdemeanor
Article 36A:	Riots and Civil Disorders⁶⁹	
14-288.2(b)	Engaging in riot	Class 1 misdemeanor

67. G.S. 14-277.3(b) provides that if a person commits this offense while a court order is in effect prohibiting similar behavior, the person is guilty of a Class 1 misdemeanor.

68. G.S. 14-284.2 authorizes a fine of up to \$100,000 per day of violation.

69. The common law also makes unlawful assembly and going armed to the terror of the people misdemeanors. Each would be punishable as a Class 1 misdemeanor under G.S. 14-3(a) (misdemeanors without specific classification and punishment).

Statute	Description of Offense	Punishment
14-288.2(c) (1)	Engaging in riot resulting in more than \$1,500 property damage or serious bodily injury	Class H felony
14-288.2(c) (2)	Engaging in riot while possessing dangerous weapon or substance	Class H felony
14-288.2(d)	Inciting to riot	Class 1 misdemeanor
14-288.2(e)	Inciting to riot resulting in more than \$1,500 property damage or serious bodily injury	Class F felony
14-288.4	Disorderly conduct	Class 2 misdemeanor
14-288.5	Failing to disperse when commanded	Class 2 misdemeanor
14-288.6(a)	Trespass during emergency	Class 1 misdemeanor
14-288.6(b)	Looting	Class H felony
14-288.7	Transporting dangerous weapon during emergency or riot	Class 1 misdemeanor
14-288.8	Manufacture, sale, possession, etc., of weapon of mass death and destruction	Class F felony
14-288.9	Assault on emergency personnel:	
	without dangerous weapon or substance	Class 1 misdemeanor
	with dangerous weapon or substance	Class F felony
14-288.12	Violating emergency proclamation issued pursuant to municipal ordinance	Class 3 misdemeanor ⁷⁰
14-288.13	Violating emergency proclamation issued pursuant to county ordinance	Class 3 misdemeanor ⁷¹
14-288.14	Violating emergency proclamation where municipal proclamation extended to county	Class 3 misdemeanor
14-288.15	Violating emergency proclamation issued by governor	Class 2 misdemeanor
14-288.19	Violating governor's order to evacuate public building	Class 2 misdemeanor

70. The punishment for this offense was formerly governed by G.S. 14-4, which contains general provisions on fines for ordinance violations. *See* note 10. G.S. 14-288.12 no longer refers to G.S. 14-4, so it is unclear whether this offense allows the same fine as other ordinance violations.

71. The punishment for this offense was formerly governed by G.S. 14-4, which contains general provisions on fines for ordinance violations. *See* note 10. G.S. 14-288.13 no longer refers to G.S. 14-4, so it is unclear whether this offense allows the same fine as other ordinance violations.

Statute	Description of Offense	Punishment
Article 37:	Lotteries, Gaming, Bingo, and Raffles⁷²	
14-290	Unauthorized lotteries:	
	Promoting or conducting	Class 2 misdemeanor ⁷³
	Possession of unauthorized lottery tickets	Class 2 misdemeanor ⁷⁴
14-291	Selling lottery tickets	Class 2 misdemeanor
14-291.1	Selling "numbers" tickets	Class 2 misdemeanor
14-291.2	Promoting or conducting pyramid scheme	Class 2 misdemeanor ⁷⁵
14-292	Gambling	Class 2 misdemeanor
14-293	Allowing gambling in houses of entertainment	Class 2 misdemeanor ⁷⁶
14-295	Gaming tables, illegal punchboards, and slot machines:	
	Keeping	Class 2 misdemeanor
	Playing	Class 2 misdemeanor
14-301, -303	Operating or possessing slot machine	Class 2 misdemeanor
Article 39:	Protection of Minors	
14-315(a)	Selling or giving weapons other than handguns to person under 18	Class 1 misdemeanor ⁷⁷
14-315(a1)	Selling or giving handguns to person under 18	Class I felony ⁷⁸
14-315.1	Storing firearm in manner accessible to minor	Class 1 misdemeanor
14-315.2(a)	Failing to provide written copy of 14-315.1 to purchaser of firearm	Class 1 misdemeanor
14-315.2(b)	Failing to post notice warning purchaser of duty to store firearm	Class 1 misdemeanor
14-316	Permitting child under 12 to use dangerous firearm	Class 2 misdemeanor

⁷². G.S. 14-299 provides for the seizure and sale or destruction of gambling equipment used in certain illegal operations.

⁷³. G.S. 14-290 authorizes a fine of up to \$2,000.

⁷⁴. See note 73.

⁷⁵. 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." Since G.S. 14-290 allows a fine of up to \$2,000 for an unlawful lottery, such a fine may be authorized for a pyramid scheme. G.S. 14-291.2(c) provides that a superior court judge may enjoin the continuation of a pyramid 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 the defendant through his or her participation in the scheme.

⁷⁶. 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.

⁷⁷. G.S. 14-315 also provides that the person shall forfeit the proceeds of any sale.

⁷⁸. See note 77.

Statute	Description of Offense	Punishment
14-316.1	Contributing to delinquent, undisciplined, abused, or neglected condition of juvenile	Class 1 misdemeanor
14-318.2	Misdemeanor child abuse	Class 1 misdemeanor ⁷⁹
14-318.4(a)	Intentionally inflicting serious injury on child	Class E felony
14-318.4(a1)	Committing, permitting, or encouraging prostitution by child	Class E felony
14-318.4(a2)	Parent or legal guardian committing or allowing commission of sexual act on child	Class E felony
14-320.1	Transporting child outside state with intent to violate custody order	Class I felony
Article 40: Protection of the Family		
14-322(b), -322(f)	Abandonment of spouse without providing adequate support: first offense subsequent offense	Class 2 misdemeanor ⁸⁰ Class 1 misdemeanor ⁸¹
14-322(c), -322(f)	Failing to provide adequate support while living with dependent spouse: first offense subsequent offense	Class 2 misdemeanor Class 1 misdemeanor
14-322(d), -322(f)	Nonsupport of child by parent: first offense subsequent offense	Class 2 misdemeanor ⁸² Class 1 misdemeanor ⁸³
14-322.1	Abandonment of child for 6 months and failure to support	Class I felony
14-326.1	Failing to support parent: first offense subsequent offense	Class 2 misdemeanor Class 1 misdemeanor
Article 44: Regulation of Sales		
14-344	Scalping tickets	Class 2 misdemeanor

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

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

81. See note 80.

82. See note 80.

83. See note 80.

Statute	Description of Offense	Punishment
Article 47: Cruelty to Animals		
14-360	Cruelty to animals	Class 1 misdemeanor
14-361	Instigating or promoting cruelty	Class 1 misdemeanor
14-361.1	Abandonment of animals without justifiable excuse	Class 2 misdemeanor
14-362	Cock fighting	Class 2 misdemeanor
14-362.1(a)	Promoting fighting and baiting of animals other than cocks	Class 2 misdemeanor ⁸⁴
14-362.1(b)	Possession or training of animal other than cock with intent to use in fighting exhibition	Class 2 misdemeanor
14-362.1(c)	Participating as a spectator at animal fight other than cock fight	Class 2 misdemeanor
14-362.1(d)	Promoting fighting and baiting of animals other than cocks within 3 years of conviction of related offense	Class I felony
14-363	Conveying animal in cruel manner	Class 1 misdemeanor
Article 52: Miscellaneous Police Regulations		
14-394	Sending anonymous or threatening letters	Class 1 misdemeanor ⁸⁵
14-395.1	Sexual harassment in leasing of property	Class 2 misdemeanor
14-399(c)	Littering in an amount not more than 15 pounds and not for commercial purpose	Class 3 misdemeanor ⁸⁶
14-399(d)	Littering in an amount more than 15 but not exceeding 500 pounds and not for commercial purpose	Class 3 misdemeanor ⁸⁷
14-399(e)	Littering in an amount more than 500 pounds, or in any quantity for commercial purposes, or of hazardous waste	Class I felony ⁸⁸

84. 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.

85. State v. Glidden, 317 N.C. 557, 346 S.E.2d 470 (1986), held that 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).

86. G.S. 14-399(c) provides that the punishment for a first offense is a fine from \$100 to \$500 and that the punishment for a subsequent offense is a fine from \$100 to \$1,000. Active imprisonment is not authorized. G.S. 14-399(c) also provides that the court may order the violator to pick up litter or perform other labor commensurate with the offense. G.S. 14-399(f1) provides that a person who is found guilty of any littering offense while operating a motor vehicle shall receive one driver's license point under G.S. 20-16(c).

87. G.S. 14-399(d) provides that the punishment is a fine of from \$100 to \$1,000. Active imprisonment is not authorized. G.S. 14-399(d) also provides that the court *shall* require the violator to pick up litter or perform other community service commensurate with the offense committed. Also, a person who commits any littering offense while operating a motor vehicle shall receive one driver's license point. G.S. 14-399(f1).

88. G.S. 14-399(e) provides that the court may order the violator to remove the litter or render it harmless, repair or restore damaged property, pay damages, or perform community service. G.S. 14-399(g) provides that a motor vehicle, vessel, etc., involved in the disposal of more than 500 pounds of litter is subject to forfeiture. Also, a person who commits any littering offense while operating a motor vehicle shall receive one driver's license point. G.S. 14-399(f1).

Statute	Description of Offense	Punishment
14-401	Putting poisonous food or antifreeze in public place	Class 1 misdemeanor
14-401.6	Possession, use, or sale of tear gas	Class 2 misdemeanor
14-401.14(a)	Ethnic intimidation	Class 1 misdemeanor
14-401.14(b)	Teaching any technique to be used for ethnic intimidation	Class 1 misdemeanor
Article 52A:	Sale of Weapons in Certain Counties	
14-409	Sale or possession of machine gun	Class I felony
Article 54:	Sale, etc., of Pyrotechnics	
14-410, -415	Making, selling, or using fireworks	Class 2 misdemeanor
Article 54A:	Felony Firearms Act	
14-415.1	Possession of certain firearms by felon	Class H felony
14-415.3	Possession of firearm by person acquitted by reason of insanity or found incompetent to proceed	Class H felony
Article 59:	Public Intoxication	
14-444	Intoxicated and disruptive in public	Class 3 misdemeanor ⁸⁹
Article 60:	Computer-Related Crime	
14-454(a)	Accessing of computer for certain purposes: when loss or damage exceeds \$1,000	Class G felony
	when loss or damage is \$1,000 or less	Class 1 misdemeanor
14-454(b)	Accessing of computer for purpose other than set forth in 14-454(a)	Class 1 misdemeanor
14-455(a)	Damaging computer: when damage exceeds \$1,000	Class G felony
	when damage is \$1,000 or less	Class 1 misdemeanor
14-456, -3(a)	Denying computer services to authorized user	Class 1 misdemeanor
14-457	Threatening to damage computer or computer program with intent to extort	Class H felony

⁸⁹. 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).

Statute	Description of Offense	Punishment
Chapter 18B: Regulation of Alcoholic Beverages⁹⁰		
18B-102	Manufacture, sale, transport, import, export, delivery, furnishing, purchase, consumption, or possession of alcoholic beverages except as authorized by Ch. 18B	Class 1 misdemeanor
18B-111, -102(b)	Possession, transportation, or sale of nontaxpaid alcoholic beverage	Class 1 misdemeanor
18B-300(b), -102(b)	Consumption of wine or beer on premises having only off-premises permit	Class 1 misdemeanor
18B-301(f) (1)c., -102(b)	Consumption of fortified wine, spirituous liquor, or mixed beverage on public road or sidewalk	Class 1 misdemeanor
18B-301(f) (2), -102(b)	Displaying fortified wine, spirituous liquor, or mixed beverage at athletic contest	Class 1 misdemeanor
18B-301(f) (4), -102(b)	Possession or consumption of fortified wine, spirituous liquor, or mixed beverage on unauthorized premises	Class 1 misdemeanor
18B-302(a), -102(b)	Sale of alcoholic beverage to person under 21	Class 1 misdemeanor
18B-302(b) (1), -302(i), -102(b)	Purchase or possession of beer or unfortified wine: by person 19 or 20 years old	Infraction, punishable by fine up to \$25 ⁹¹
	by person under 19	Class 1 misdemeanor
18B-302(b) (2), -102(b)	Purchase or possession of fortified wine, spirituous liquor, or mixed beverage by person under 21	Class 1 misdemeanor
18B-303, -403, -102(b)	Purchase or sale of alcoholic beverage in amount greater than authorized by statute	Class 1 misdemeanor
18B-304, -102(b)	Sale of alcoholic beverage without permit	Class 1 misdemeanor
18B-307(b), -307(c), -102(b)	Manufacture of alcoholic beverage without permit: first offense	Class 1 misdemeanor
	subsequent offense	Class I felony

90. G.S. 18B-101 (4) defines an "alcoholic beverage" as a beverage containing at least 0.5 percent alcohol by volume, including malt beverages, unfortified wine, spirituous liquor, and mixed beverages. G.S. 18B-102(b) provides that a violation of Chapter 18B is a Class 1 misdemeanor "[u]nless a different punishment is otherwise expressly stated." In addition to any fine and sentence of 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.

91. Court costs may not be assessed in connection with this infraction. G.S. 18B-302(i).

Statute	Description of Offense	Punishment
18B-401(a)	Transportation of alcoholic beverage:	
	Transportation of open bottle of fortified wine or spirituous liquor in passenger area	Class 3 misdemeanor
	Consumption of wine or beer by driver of motor vehicle	Class 3 misdemeanor
18B-406, -102(b)	Transportation of unauthorized amount of alcoholic beverage	Class 1 misdemeanor
18B-702(f)	Embezzlement by employee of local ABC Board	Class H felony

Chapter 20: Motor Vehicles⁹²

20-106	Stolen vehicles:	
	Receiving	Class H felony
	Possession	Class H felony
20-141.4(a1), -141.4(b)	Felony death by vehicle	Class G felony
20-141.4(a2), -141.4(b)	Misdemeanor death by vehicle	Class 1 misdemeanor
20-174.1	Sitting, standing, or lying on highway or street	Class 2 misdemeanor

Chapter 49: Bastardy

49-2, -8	Nonsupport of illegitimate child by parent	Class 2 misdemeanor ⁹³
----------	--	-----------------------------------

Chapter 58: Insurance

58-2-161	False statement to procure benefit of insurance policy or certificate	Class I felony
58-2-162	Embezzlement by insurance agent	Class H felony

Chapter 67: Dogs

67-4.2(a) (1), -4.2(c)	Leaving dangerous dog unrestrained on owner's property	Class 3 misdemeanor
67-4.2(a) (2), -4.2(c)	Permitting dangerous dog to go unrestrained beyond owner's property	Class 3 misdemeanor
67-4.3	Owning dangerous dog that attacks person and causes physical injury requiring medical treatment in excess of \$100	Class 1 misdemeanor

⁹². A more complete listing of motor vehicle offenses is contained in the "Punishment Chart for North Carolina Motor Vehicle Offenses," which appears in Part 2 of this booklet.

⁹³. G.S. 49-8 also authorizes the following dispositions: (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.

Statute	Description of Offense	Punishment
Chapter 90: Medicine and Allied Occupations		
Article 5:	North Carolina Controlled Substances Act⁹⁴	
90-95(a) (1), -95(b) (1)	Manufacture, sale, delivery, or possession with intent to manufacture, sell, or deliver controlled substance: Schedule I or II	Class H felony
90-95(a) (1), -95(b) (2)	Manufacture, sale, delivery, or possession with intent to manufacture, sell, or deliver controlled substance: Schedule III-VI	Class I felony ⁹⁵
90-95(a) (1), -95(e) (5)	Violation of 90-95(a) (1): by sale or delivery of controlled substance by person 18 or older to person under 16 or pregnant female	Class E felony
90-95(a) (1), -95(e) (8)	Violation of 90-95(a) (1): by person 21 or older within 300 feet of elementary or secondary school	Class E felony ⁹⁶
90-95(a) (1), -95.4(a)	Hiring minor to violate 90-95(a) (1): when person hiring minor is at least 18 but less than 21 years old	Felony one class greater than violation for which minor was hired
90-95(a) (1), -95.4(b)	Hiring minor to violate 90-95(a) (1): when person hiring minor is 21 years old or more	Felony two classes greater than violation for which minor was hired

94. G.S. 90-96(a) contains special provisions for sentencing first-time offenders found guilty of misdemeanor possession of a Schedule II through VI controlled substance and first-time offenders found guilty of possessing less than 1 gram of cocaine. G.S. 90-96(a1) contains special provisions for sentencing first-time offenders found guilty of any offense included in G.S. 90-95(a) (3).

Several other 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 a Class 1 misdemeanor 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. If the offense is a Class 2 misdemeanor and the defendant has a prior conviction as set out above, the defendant is guilty of a Class 1 misdemeanor. 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 Class 2 misdemeanor.
 - 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 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 5 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 analyzing any controlled substance, when such expenses were incurred as part of an investigation leading to the defendant's conviction.

95. 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).

96. 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).

Statute	Description of Offense	Punishment
90-95(a) (2), -95(c)	Counterfeit controlled substance: creation, sale, delivery, or possession with intent to sell or deliver	Class I felony
90-95(a) (3), -95(d) (1)	Possession of Schedule I controlled substance	Class I felony
90-95(a) (3), -95(d) (2)	Possession of Schedule II-IV controlled substance: small quantities, except cocaine larger quantities or any quantity of cocaine or phencyclidine	Class 1 misdemeanor Class I felony
90-95(a) (3), -95(d) (3)	Possession of Schedule V controlled substance	Class 2 misdemeanor
90-95(a) (3), -95(d) (4)	Possession of Schedule VI controlled substance: up to 1/2 oz. marijuana or 1/20 oz. hashish more than 1/2 oz. marijuana or 1/20 oz. hashish more than 1 1/2 oz. marijuana or 3/20 oz. hashish or other specified synthetic substance	Class 3 misdemeanor ⁹⁷ Class 1 misdemeanor Class I felony
90-95(a) (3), -95(e) (9)	Possession of controlled substance in prison or jail	Class I felony
90-95(d1) (1)	Precursor chemicals: possession with intent to manufacture controlled substance	Class H felony
90-95(d1) (2)	Precursor chemicals: possession or distribution with knowledge that precursor chemical will be used to manufacture controlled substance	Class H felony

⁹⁷. 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).

Statute	Description of Offense	Punishment
90-95(h) (1) a.-d.	Trafficking in marijuana: ⁹⁸ more than 50 and less than 100 pounds 100-1,999 pounds 2,000-9,999 pounds 10,000 pounds or more	Class H drug-trafficking felony; fine of not less than \$5,000 Class G drug-trafficking felony; fine of not less than \$25,000 Class F drug-trafficking felony; fine of not less than \$50,000 Class D drug-trafficking felony; fine of not less than \$200,000
90-95(h) (2) a.-c.	Trafficking in methaqualone: ⁹⁹ 1,000-4,999 dosage units 5,000-9,999 dosage units 10,000 dosage units or more	Class G drug-trafficking felony; fine of not less than \$25,000 Class F drug-trafficking felony; fine of not less than \$50,000 Class D drug-trafficking felony; fine of not less than \$200,000

98. Persons convicted of drug trafficking are not sentenced according to the usual structured sentencing rules. A person convicted of drug trafficking must receive the fine set forth in the text and the following minimum and maximum sentence regardless of the person's prior record level:

Class C drug-trafficking felony: Minimum 225 months; maximum 279 months.

Class D drug-trafficking felony: Minimum 175 months; maximum 219 months.

Class E drug-trafficking felony: Minimum 90 months; maximum 117 months.

Class F drug-trafficking felony: Minimum 70 months; maximum 84 months.

Class G drug-trafficking felony: Minimum 35 months; maximum 42 months.

Class H drug-trafficking felony: Minimum 25 months; maximum 30 months.

G.S. 90-95(h) (5) provides that the court may reduce the fine, impose a prison term less than the applicable minimum, or suspend the prison term and place the person on probation, upon a finding that the person 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 sentences being served by the defendant. When two or more violations are being disposed of in the same proceeding, however, the court is not required to impose consecutive sentences. *See State v. Thomas*, 85 N.C. App. 319, 354 S.E.2d 891 (1987) (construing similar consecutive sentencing provisions); *State v. Crain*, 73 N.C. App. 269, 326 S.E.2d 120 (1985) (same).

99. *See* note 98.

Statute	Description of Offense	Punishment
90-95(h) (3) a.-c.	Trafficking in cocaine: ¹⁰⁰	
	28-199 grams	Class G drug-trafficking felony; fine of not less than \$50,000
	200-399 grams	Class F drug-trafficking felony; fine of not less than \$100,000
	400 grams or more	Class D drug-trafficking felony; fine of not less than \$250,000
90-95(h) (3a) a.-c.	Trafficking in amphetamine: ¹⁰¹	
	1,000-4,999 dosage units	Class G drug-trafficking felony; fine of not less than \$25,000
	5,000-9,999 dosage units	Class F drug-trafficking felony; fine of not less than \$50,000
	10,000 dosage units or more	Class D drug-trafficking felony; fine of not less than \$200,000
90-95(h) (3b) a.-c.	Trafficking in methamphetamine: ¹⁰²	
	28-199 grams	Class G drug-trafficking felony; fine of not less than \$50,000
	200-399 grams	Class F drug-trafficking felony; fine of not less than \$100,000
	400 grams or more	Class D drug-trafficking felony; fine of not less than \$250,000

100. See note 98.

101. See note 98.

102. See note 98.

Statute	Description of Offense	Punishment
90-95(h) (4) a.-c.	Trafficking in opium or heroin: ¹⁰³ 4-13 grams 14-27 grams 28 grams or more	Class F drug-trafficking felony; fine of not less than \$50,000 Class E drug-trafficking felony; fine of not less than \$100,000 Class C drug-trafficking felony; fine of not less than \$500,000
90-95(h) (4a) a.-c.	Trafficking in LSD: ¹⁰⁴ 100-499 dosage units 500-999 dosage units 1,000 dosage units or more	Class G drug-trafficking felony; fine of not less than \$25,000 Class F drug-trafficking felony; fine of not less than \$50,000 Class D drug-trafficking felony; fine of not less than \$200,000
90-95(i)	Conspiracy to commit drug-trafficking offense	Punishable by same penalties as for drug-trafficking felony defendant conspired to commit ¹⁰⁵
90-95.1	Continuing criminal enterprise	Class C felony; forfeiture of enterprise profits and other property set out in statute

103. See note 98.

104. See note 98.

105. A drug-trafficking conspiracy 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, *disc. rev. denied*, 319 N.C. 677, 356 S.E.2d 785 (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).

Statute	Description of Offense	Punishment
90-98	Controlled Substances Act: Conspiracy to violate Attempt to violate	Same class as substantive offense for which conspiracy created Same class as offense attempted ¹⁰⁶
90-108(a) (1)	Impersonating a licensed practitioner	Class 1 misdemeanor ¹⁰⁷
90-108(a) (2)	Unlawful distribution by registrant or practitioner	Class 1 misdemeanor ¹⁰⁸
90-108(a) (3), -108(a) (8), -108(a) (9)	Violating registration provisions relating to authorized manufacture or distribution	Class 1 misdemeanor ¹⁰⁹
90-108(a) (5)	Failing to keep or furnish records required by Act	Class 1 misdemeanor ¹¹⁰
90-108(a) (7)	Maintaining building or vehicle for use by persons violating Act, or for keeping or selling controlled substance	Class 1 misdemeanor ¹¹¹
90-108(a) (7), -108(b)	Violating 90-108(a) (7) while fortifying structure with intent to impede law enforcement entry	Class I felony
90-108(a) (10)	Obtaining controlled substance by fraud or deception	Class I felony ¹¹²
90-108(a) (13)	Obtaining controlled substance by use of legal prescription obtained by misrepresentation	Class 1 misdemeanor ¹¹³

106. Under G.S. 90-98 an attempt to commit a drug-trafficking offense would be the same class of offense as the completed offense; however, the mandatory minimum sentence that would be imposed for a completed drug-trafficking offense would not be applicable to an attempt. *Compare* G.S. 90-95(i) (prescribing same mandatory minimum sentence for drug-trafficking offense and conspiracy to commit drug-trafficking offense but not for attempt to commit drug-trafficking offense).

107. 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."

108. *See* note 107.

109. *See* note 107.

110. *See* note 107.

111. In *State v. Bright*, 78 N.C. App. 239, 337 S.E.2d 87 (1985), *disc. rev. denied*, 315 N.C. 591, 341 S.E.2d 31 (1986), the court considered the applicability of G.S. 90-108(b) to this offense. *See* note 107. The court held as follows: maintaining a vehicle with knowledge that it is used in connection with controlled substances is a misdemeanor, while maintaining a vehicle with *intent* that it be so used is a Class I felony.

112. The court of appeals has held that, 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 (*see* note 107), 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). *But cf. Ratzlaf v. United States*, 510 U.S. ___, 114 S. Ct. 655, 126 L. Ed. 2d 615 (1994) (where willful violation of statute was required for conviction, government had to prove defendant acted with knowledge of illegality of conduct).

113. *See* note 107.

Statute	Description of Offense	Punishment
Article 5A:	North Carolina Toxic Vapors Act¹¹⁴	
90-113.10, -113.13	Inhaling fumes for purpose of intoxication	Class 1 misdemeanor
90-113.11, -113.13	Possession of substance for purpose of inhaling for intoxication	Class 1 misdemeanor
90-113.12, -113.13	Sale of substance with knowledge of intended illegal use	Class 1 misdemeanor
Article 5B:	Drug Paraphernalia¹¹⁵	
90-113.22	Possession of paraphernalia	Class 1 misdemeanor
90-113.23	Delivery, possession with intent to deliver, or manufacture with intent to deliver	Class 1 misdemeanor
90-113.23(c)	Delivery by person over 18 to minor at least 3 years younger	Class I felony
90-113.24	Advertisement of paraphernalia	Class 2 misdemeanor

Chapter 108A: Social Services

108A-39(a)	Welfare fraud if value wrongfully received is \$400 or less	Class 1 misdemeanor
108A-39(b)	Welfare fraud if value wrongfully received exceeds \$400	Class I felony
108A-53(a)	Fraudulently obtaining or transferring food stamps: if value wrongfully received is \$2,000 or less if value wrongfully received exceeds \$2,000	Class 1 misdemeanor Class I felony
108A-53(b)	Presenting fraudulently obtained food stamps	Class 1 misdemeanor
108A-53(c)	Receiving fraudulently obtained food stamps	Class 1 misdemeanor
108A-63	Medicaid fraud by provider	Class I felony
108A-64	Medicaid fraud by recipient: if value wrongfully received is \$400 or less if value wrongfully received exceeds \$400	Class 1 misdemeanor Class I felony

Chapter 113: Conservation and Development

113-60.21 to -60.29	Violating open-burning laws	Class 3 misdemeanor
------------------------	-----------------------------	---------------------

114. G.S. 90-113.14 contains special provisions for sentencing first-time offenders convicted of violating G.S. 90-113.10 or 90-113.11.

115. G.S. 90-96(a) and (a1) contain special provisions for sentencing first-time offenders who violate Article 5B.

Statute	Description of Offense	Punishment
Chapter 136: Roads and Highways		
136-18(5)	Violating Department of Transportation ordinance	Class 1 misdemeanor
136-90	Obstructing highway	Class 1 misdemeanor
Chapter 148: State Prison System		
148-45(a)	Escape from state prison system by misdemeanant: first offense	Class I felony ¹¹⁶
148-45(b)	Escape from state prison system:	
	by felon	Class I felony ¹¹⁷
	by any person previously convicted of escape or attempted escape	Class I felony ¹¹⁸
148-45(d)	Aiding escape from state prison system	Class 1 misdemeanor

116. G.S. 148-45(g) (1) provides that 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 subsection (g) (1) (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 subsection (g) (1), however, failure to return is an escape even if the person returns within 24 hours.

117. See note 116.

118. See note 116.

Index to Punishment Chart for North Carolina Crimes

References in this index are to statute numbers, except that common-law offenses are listed by page number. Each statutory or page reference corresponds to a separate entry in Part 1, "Punishment Chart for North Carolina Crimes." For example, the statutory references for "assault on government official" are 14-33(b) (8) and 14-34.2; each statute number refers to a separate offense in the punishment chart. Some offenses in the punishment chart have multiple statutory references, but only the first statute number is listed in the index.

-
- Abandonment and nonsupport
 in general, 14-322, -322.1, -326.1
 of illegitimate child, 49-2
- Abduction. *See* Kidnapping and abduction
- Abortion and related offenses, 14-44, -45. *See also*
 Concealing birth of child
- Accessory to felony
 after the fact, 14-7
 before the fact, 14-5.2
- Acid throwing, 14-30.1
- Adultery, 14-184
- Adult establishments, 14-202.11. *See also* Obscenity
- Affray, 14-33. *See also* Assault
- Alcoholic beverages, 18B-102 to -702
- Animals
 cock fighting, 14-362
 cruelty to animals, 14-360 to -363
 dogs
 dangerous dogs, 67-4.2, -4.3
 larceny of, 14-81(a1)
 law-enforcement animal, injury to, 14-163.1
 livestock,
 larceny of, 14-81(a)
 poisoning of, 14-163
 research facilities, interference with, 14-159.2
- Antifreeze, putting in public place, 14-401
- Armed robbery. *See* Robbery
- Arson and other burnings
 arson, 14-58
 burning particular property, 14-59 to -67.1
 open-burning laws, 113-60.21 to -60.29
 setting fire to grass, woods, etc., 14-136, -137
- Assault. *See also* Acid throwing; Maiming; Stalking
 felony assaults, in general, 14-32
 misdemeanor assaults, in general, 14-33
 on-particular persons
 on child under 12, 14-33(b) (3) (*see also*
 Child abuse)
 on emergency personnel, 14-288.9
 on female, 14-33(b) (2)
 on government official, 14-33(b) (8), -34.2
 on handicapped person, 14-32.1
 on sports official, 14-33(b) (9)
 patient abuse, 14-32.2
 by pointing gun, 14-34
 in secret manner, 14-31
- Attempt
 armed robbery, 14-87
 Controlled Substances Act, attempt to violate, 90-98
 false pretenses, 14-100
 in general, 14-2.5
 indecent liberties, 14-202.1
 intimidating witness, 14-226
 safecracking, 14-89.1
 telecommunications, offenses involving,
 14-113.1, -113.4
- Bigamy, 14-183
- Blackmail, 14-118
- Bombs. *See* Explosives
- Breaking or entering. *See* Burglary and other breakings
- Bribery, 14-217 to -220
- Burglary and other breakings
 breaking or entering
 building, 14-54
 cars, boats, airplanes, etc., 14-56
 jail, with intent to injure prisoner, 14-221
 breaking out of dwelling, 14-53
 burglary, 14-51
 with explosive, 14-57
 preparation to commit burglary, 14-55
 coin/currency machines, 14-56.1 to -56.3
- Burnings. *See* Arson and other burnings
- Cable television, offenses involving, 14-118.5
- Carrying concealed weapon, 14-269. *See also* Weapons offenses
-

- Castration, 14-28, -29
- Cemeteries and graves, 14-148, -149
- Checks. *See* Worthless checks
- Child abuse, 14-318.2, -318.4. *See also* Minors, offenses involving
- Children. *See* Minors, offenses involving
- Cock fighting, 14-362
- Coin/currency machines, 14-56.1 to -56.3. *See also* Burglary and other breakings
- Communicating threats. *See also* Stalking
 - anonymous/threatening letters, 14-394
 - in general, 14-277.1
 - harassing phone calls, 14-196
- Computer crimes, 14-454 to -457
- Concealing birth of child, 14-46
- Conspiracy
 - to break or enter jail with intent to injure prisoner, 14-221
 - to commit drug-trafficking offense, 90-95(i)
 - to commit felony, 14-2.4(a)
 - to commit misdemeanor, 14-2.4(b)
 - to violate Controlled Substances Act, 90-98
- Contempt of court
 - in general, 5A-11(a), -12(a)
 - violation of injunction involving health care facility, 14-277.4(d)
- Controlled substances. *See* Narcotics
- Credit card offenses, 14-113.9 to -113.15A. *See also* Telecommunications, offenses involving
- Crime against nature, 14-177
- Crops. *See* Property, violations against

- Death by vehicle, 20-141.4
- Defacing public building, 14-132(a)(2)
- Defrauding innkeeper, 14-110
- Destruction of evidence, 14-221.1
- Discharging firearm into occupied property, 14-34.1
- Disorderly conduct. *See also* Riots and civil disorders
 - at bus or railroad station or airport, 14-275.1
 - in general, 14-288.4
 - in public building, 14-132(a)(1)
- Dogs. *See* Animals
- Domestic criminal trespass, 14-134.3. *See also* Trespass
- Drug paraphernalia, 90-113.22 to -113.24. *See also* Narcotics
- Drugs. *See* Narcotics
- Drunk and disruptive, 14-444
- Dumping and littering
 - dumping toxic substances, 14-284.2
 - littering, 14-399
 - putting poisonous food or antifreeze in public place, 14-401

- Embezzlement
 - by ABC employee, 18B-702(f)
 - by employee, 14-74 (*see also* Larceny: by employee)
 - in general, 14-90 to -99
 - by insurance agent, 58-2-162
- Emergencies. *See also* Riots and civil disorders
 - assault on emergency personnel, 14-288.9
 - impersonating emergency personnel, 14-276.1
 - transporting weapon during emergency, 14-288.7
 - trespass during emergency, 14-288.6
 - violating certain court orders during emergency, 14-226.1
 - violating emergency proclamation, 14-288.12 to -288.19
- Escape. *See* Prisons and jails
- Ethnic intimidation, 14-401.14. *See also* Misdemeanors, in general: racially motivated
- Explosives. *See also* Weapons offenses
 - burglary with, 14-57
 - exploding dynamite or bomb, 14-283
 - false bomb report, 14-69.1, -69.2
 - larceny of explosive, 14-70
 - possession of stolen explosive, 14-71.1
 - receiving stolen explosive, 14-71
 - sale of explosive, 14-284, -284.1
 - use of explosive to injure another or damage property, 14-49, -49.1
- Extortion
 - blackmail, 14-118
 - common-law, p. 35 n. 45
 - in general, 14-118.4
 - threatening to damage computer, 14-457
 - threatening to tamper with food, drugs, cosmetics, 14-34.4(b)

- False imprisonment, p. 28 n. 16. *See also* Kidnapping and abduction
- False pretenses. *See also* Credit card offenses; Fraud attempt, 14-100
 - in general, 14-100 to -113
 - to procure insurance benefit, 58-2-161
- Felons
 - firearms, possession by felon, 14-415.1 (*see also* Weapons offenses)
 - habitual felon, 14-7.1 to -7.6
 - violent habitual felon, 14-7.7 to -7.12
- Financial transaction cards. *See* Credit card offenses
- Fire alarm, false, 14-286
- Firearms. *See* Weapons offenses
- Fireworks, 14-410
- Food, drugs, cosmetics, tampering with, 14-34.4
- Food stamp fraud, 108A-53

Forgery. *See also* Credit card offenses
 common law, p. 36 n. 48
 of credit card, 14-113.11
 in general, 14-119 to -124
 Fornication and adultery, 14-184
 Fraud. *See also* Credit card offenses; False pretenses;
 Forgery; Telecommunications, offenses
 involving
 credit card fraud, 14-113.13(a)
 food stamp fraud, 108A-53
 in general, 14-114 to -118.5
 Medicaid fraud, 108A-63, -64
 rented property, 14-168, -168.4
 welfare fraud, 108A-39

 Gambling offenses, 14-290 to -303
 Going armed to terror of people, p. 43 n. 69
 Government officials
 assault on, 14-33(b) (8), -34.2
 bribery of, 14-217, -218
 embezzlement by, 14-90 to -92, -99
 false report to law-enforcement officer, 14-225
 impersonating, 14-276.1, -277
 injury to law-enforcement animal, 14-163.1
 misconduct in public office, 14-228 to -251
 resisting, delaying, or obstructing, 14-223
 Graves, offenses involving, 14-148, -149

 Habitual felon. *See* Felons
 Harassing phone calls, 14-196
 Hazing, 14-35, -36
 Health care facilities. *See* Hospitals and health care
 facilities
 Homicide
 death by vehicle, 20-141.4
 manslaughter, 14-18
 murder, 14-17
 Hospitals and health care facilities
 false bomb report, 14-69.1(b), -69.2(b)
 obstructing access to health care facility or
 services, 14-277.4
 patient abuse, 14-32.2

 Impersonating certain officers/employees, 14-276.1,
 -277
 Incendiary devices. *See* Explosives
 Incest, 14-178, -179
 Inciting to riot, 14-288.2. *See also* Riots and civil
 disorders
 Indecent exposure, 14-190.9
 Indecent liberties, 14-202.1
 Injury to property. *See* Property, violations against
 Inmates. *See* Prisons and jails
 Insurance, offenses involving, 58-2-161, -162

Intoxicated and disruptive, 14-444
 Involuntary manslaughter, 14-18

 Jails. *See* Prisons and jails
 Juror, harassing, 14-225.2

 Kidnapping and abduction
 children
 abduction of, 14-41
 transporting child outside state to violate
 custody order, 14-320.1
 false imprisonment, p. 28 n. 16
 felonious restraint, 14-43.3
 hostage, taking in prison, 14-258.3
 involuntary servitude, 14-43.2
 kidnapping, 14-39

 Larceny. *See also* Credit card offenses; False pretenses;
 Fraud; Possession of stolen goods; Receiving
 stolen goods; Shoplifting; Telecommunications,
 offenses involving; Unauthorized use of motor
 conveyance; Worthless checks
 animals, larceny of, 14-81(a), -81(a1)
 cable television service, theft of, 14-118(5)
 credit card theft, 14-113.9
 by employee, 14-74 (*see also* Embezzlement: by
 employee)
 in general
 of explosive, 14-70
 of firearm, 14-70
 of goods, 14-70
 from person, 14-70
 pursuant to burglary or breaking or entering,
 14-70
 of State Archives record, 14-70
 miscellaneous property, 14-75.1, -76, -77
 Law-enforcement officers. *See* Government officials
 Libel, 14-47
 Liquor law violations, 18B-102 to -702
 Littering. *See* Dumping and littering
 Looting, 14-288.6(b). *See also* Riots and civil
 disorders
 Lotteries. *See* Gambling offenses

 Maiming, 14-29, -30
 Manslaughter, 14-18
 Medicaid fraud, 108A-63, -64
 Minors, offenses involving
 abduction of child, 14-41
 alcoholic beverages, 18B-302(a), -302(b)
 assault on child, 14-33(b) (3)
 child abuse, 14-318.2, -318.4
 contributing to delinquency of minor, 14-316.1
 drug paraphernalia, 90-113.23(c)

Minors, offenses involving (*continued*)

- harmful materials or performance, exhibiting, 14-190.14, -190.15
- indecent liberties, 14-202.1
- narcotics, 90-95(a) (1)
- obscenity, 14-190.6 to -190.8
- prostitution of minor, 14-190.18, -190.19 (*see also* Prostitution)
- rape and sexual offenses, 14-27.2, -27.4, -27.7
- sexual exploitation, 14-190.16 to -190.17A
- transporting child outside state to violate custody order, 14-320.1
- weapons (*see* Weapons offenses: minors)

Misconduct in public office, 14-228 to -251

Misdemeanors, in general

- infamous, 14-3(b)
- racially motivated, 14-3(c) (*see also* Ethnic intimidation)
- without classification/punishment, 14-3(a)

Murder, 14-17

Narcotics

- Controlled Substances Act
 - attempt to violate Act, 90-98
 - conspiracy to commit drug-trafficking offense, 90-95(i)
 - conspiracy to violate Act, 90-98
 - counterfeit controlled substance, 90-95(a) (2)
 - criminal enterprise, 90-95.1
 - drug trafficking, 90-95(h)
 - manufacture, sale, delivery, etc., 90-95(a) (1)
 - possession, 90-95(a) (3)
 - precursor chemicals, 90-95(d1)
 - other prohibited acts, 90-108(a)
- drug paraphernalia, 90-113.22 to -113.24
- inmates, furnishing drugs to, 14-258.1
- Toxic Vapors Act, 90-113.10 to -113.12

Nonsupport. *See* Abandonment and nonsupport

Obscenity, 14-190.1 to -190.8. *See also* Adult establishments

Obstructing highway, 20-174.1, 136-90

Obstructing justice, 14-221 to -226.1. *See also* Government officials

Ordinance violations

- emergency proclamation issued pursuant to ordinance, 14-288.12 to -288.14
- in general, 14-4
- transportation department ordinance, 136-18(5)

Patient abuse, 14-32.2

Peeping into room occupied by female, 14-202

Perjury, 14-209, -210. *See also* Obstructing justice

Personal property. *See* Property, violations against

Phone calls, harassing, 14-196

Picketing near courthouse, 14-225.1

Possession of stolen goods. *See also* Larceny; Receiving stolen goods

- in general, 14-71.1
- stolen vehicle, 20-106

Prisons and jails

- allowing prisoner to escape, 14-239
- breaking or entering jail with intent to injure prisoner, 14-221
- escape
 - aiding escaped prisoner, 14-259
 - from county or municipal jail, 14-255, -256
 - from state prison system, 148-45
- furnishing poison, narcotics, alcohol, or weapon to inmates, 14-258.1
- hostages, taking of, 14-258.3
- possession of controlled substance, 90-95(a) (3)
- trading with prisoners, 14-258
- weapons offenses, 14-258.1(a), -258.2

Property, violations against. *See also* Animals; Arson and other burnings; Cemeteries and graves; Trespass

- crops, injury to, 14-128
- houses, injury to, 14-144
- personal property, injury to, 14-160, -160.1
- public buildings, injury to, 14-132(a) (2)
- public school bus, offenses involving, 14-132.2
- real property, injury to, 14-127
- rented property, offenses involving, 14-165 to -168.4
- unlawful posting of advertisements, 14-145
- utilities, offenses involving, 14-151.1, -158, -159.1

Prostitution

- in general, 14-204, -204.1
- of minor, 14-190.18, -190.19 (*see also* Child abuse)

Raffles. *See* Gambling offenses

Rape and other sexual offenses. *See also* Indecent liberties; Minors, offenses involving

- rape, 14-27.2, -27.3
- sexual act by custodian/parental substitute, 14-27.7
- sexual offense, 14-27.4, -27.5

Real property. *See* Property, violations against

Receiving stolen goods. *See also* Larceny; Possession of stolen goods

- in general, 14-71
- stolen vehicle, 20-106

Rented property. *See* Property, violations against

Resisting officer, 14-223. *See also* Government officials

Riots and civil disorders, 14-288.2 to -288.19

Robbery

- armed, 14-87
- attempted armed, 14-87
- common-law, 14-87.1
- train, 14-88

Safecracking, 14-89.1

Scalping tickets, 14-344

Schools

- burning of, 14-60
- narcotics near educational property, 90-95(a) (1)
- public school bus, offenses involving, 14-132.2
- weapons on educational property, 14-269.2

Sexual harassment in leasing of property, 14-395.1

Sexual offense. *See* Rape and other sexual offenses

Shoplifting

- concealment of merchandise, 14-72.1(a)
- switching price tags, 14-72.1(d)

Slot machines. *See* Gambling offenses

Solicitation

- to commit felony, 14-2.6(a)
- to commit misdemeanor, 14-2.6(b)

Sports events

- alcoholic beverages at, 18B-301(f) (2)
- assault on sports official, 14-33(b) (9)
- scalping tickets, 14-344
- throwing objects at sports events, 14-281.1

Stalking, 14-277.3

Subornation of perjury, 14-210

Switching price tags, 14-72.1(d). *See also* Shoplifting

Tampering with food, drugs, and cosmetics, 14-34.4

Telecommunications, offenses involving

- emergency radio communications, interfering with, 14-286.2
- harassing phone calls, 14-196
- obtaining property or services by fraud/other means, 14-113.1 to -113.5 (*see also* Credit card offenses)
- telephone lines, interfering with, 14-158

Threats. *See* Communicating threats; Stalking

Toxic Vapors Act, 90-113.10 to -113.12. *See also* Narcotics

Trading with prisoners. *See* Prisons and jails

Trafficking, 90-95(h). *See also* Narcotics

Trespass. *See also* Property, violations against

- degrees of trespass, 14-159.12, -159.13
- domestic criminal trespass, 14-134.3

during emergency, 14-288.6(a)

forcible trespass, p. 38 n. 56

hunting/fishing on posted property, 14-159.6

on public lands, 14-130

Unauthorized use of motor conveyance, 14-72.2

Unlawful assembly, p. 43 n. 69

Uttering. *See* Forgery

Violent habitual felon. *See* Felons

Voluntary manslaughter, 14-18

Weapons offenses. *See also* Explosives

assault

- with deadly weapon, 14-32, -32.1(e), -33(b) (1), -34.2, -288.9

- by pointing gun, 14-34

carrying concealed weapon, 14-269

discharging barreled weapon/firearm into occupied property, 14-34.1

firearms

- enhanced punishment for use, 14-2.2(a)
- larceny of firearm, 14-70
- machine gun, sale or possession of, 14-409
- possession by felon, 14-415.1
- possession by insanity acquittee, 14-415.3
- possession of stolen firearm, 14-71.1
- receiving stolen firearm, 14-71

minors

- permitting child to use dangerous firearm, 14-316

possession of handgun by minor, 14-269.7

sale of certain weapons to minor, 14-315(a), -315(a1)

storage of firearms, 14-315.1, -315.2

particular property, weapons on educational property, 14-269.2

prison, 14-258.2

other property, 14-269.3, -269.4, -277.2

riot, transporting weapon during, 14-288.7

robbery with dangerous weapon, 14-87

spring-loaded knives, 14-269.6

tear gas, 14-401.6

weapons of mass destruction, 14-288.8

Welfare fraud, 108A-39

Worthless checks. *See also* False pretenses

obtaining property by, 14-106

writing, 14-107

Part 2

Punishment Chart for North Carolina Motor Vehicle Offenses

Detailed Table of Contents

Description of Punishment Chart for Motor Vehicle Offenses	69
Punishment Chart	71
Driver's License Violations	71
Driving without License or Violating Restrictions	71
Age Limits	71
Learner's Permit	71
Impaired Driving Instructor	72
Driving with Suspended or Revoked License	72
Illegal Activity Relating to License	73
Parking Privileges for Handicapped Drivers	74
Special I.D. Card	74
Commercial Licenses	74
Vehicle Registration	75
Salvage Titles	75
Transfer of Title or Interest	76
Dealer Plates	76
Car Theft and Related Offenses	76
Violation of Registration Provisions	77
Perjury	77
Failure to Obey Directions of Police or Firemen	77
Equipment Violations	77
Tires	77
Steering Mechanism	78
Speedometer	78
Brakes	78
Selling Unapproved Brake Fluid or Lining	78
Horns and Warning Devices	78
Mirrors	79
Windshields	79
Muffler	79
Lights	80
Seat Belts	81
Smoke Screens	81
Child Restraint Systems	81

Rules of the Road Violations	82
Driving While Impaired	82
Reckless Driving	83
Use of Controlled-Access Highways	83
Motorcycles and Mopeds	84
Speeding	84
School Zones	85
Racing and Death by Vehicle	85
Failing to Stop at Grade Crossing	86
Driving on Wrong Side of Road	87
Improper Passing	87
Following Too Closely	88
Improper Turning	88
Failing to Yield Right of Way	89
Actions Prohibited in Emergencies	89
Failing to Stop	90
Failure to Yield at Yield Signs	91
Driving through Safety Zones or on Sidewalks	91
Stopping on Highway	91
Coasting	92
Traveling Wrong Way on One-Way Street	92
Accident Responsibility Laws	92
Transportation of Spent Nuclear Fuel	92
Violations at Pedestrian Crosswalks	93
Standing, Sitting, or Lying in Street	93
Soliciting Rides, Employment, or Business on Highways	93
Violating Limited Driving Privileges	93
Failure to Dim Lights	93
Equipment Inspection Laws	94
Refusal to Cooperate in Weighing Vehicle	94
Passing Stopped School Bus	94
Bus Driver Rules	94
Insurance Violations	94
Index to Punishment Chart for Motor Vehicle Offenses	97

Description of Punishment Chart for Motor Vehicle Offenses

This is the eighth edition of a chart originally published by the Institute of Government in 1967. It lists the statutory punishments for certain motor vehicle offenses. The sheer volume of offenses found in Chapter 20 of the North Carolina General Statutes (hereinafter G.S.) makes a complete listing impractical. Therefore this chart is limited to three categories of offenses:

- (1) Offenses that occur frequently, as indicated by the records of the Division of Motor Vehicles in Raleigh.
- (2) Serious offenses that must be heard by a district or superior court judge. Mandatory appearances are required in approximately 25 types of offenses, and most of these are included in this chart.
- (3) New offenses (like violations of the commercial driver license law) and offenses with unusually severe or lenient punishments (like Hit-and-Run).

The offenses are listed in numerical order by section number. Certain offenses are marked with an asterisk (*). When an offender is convicted of one of these offenses, pursuant to G.S. 20-24(a), the court must require the driver to surrender his or her driver's license to the court; and the clerk must mail the license to the Division of Motor Vehicles within 30 days of the date of conviction.

The 1985 General Assembly amended Article 3 of G.S. Chapter 20 to make many minor motor vehicle law offenses infractions rather than crimes. An infraction is a noncriminal violation of the law that is not punishable by imprisonment. G.S. 20-176(a) provides that a violation of Part 9, 10, 10A, or 11 of Article 3 is an infraction unless the violation is specifically declared to be a misdemeanor or felony (such as DWI, Hit-and-Run). Thus most equipment and rules-of-the-road violations are now infractions, while violations of driver license, insurance, and registration law remain crimes. Unless a specific penalty is otherwise provided, a person found responsible for an infraction may be ordered to pay a penalty of not more than \$100 [G.S. 20-176(b)]. The chart to follow will indicate which violations are infractions.

The abbreviations DMV and CMV are used to refer to the Division of Motor Vehicles and Commissioner of Motor Vehicles, and Department refers to the North Carolina Department of Transportation.

The North Carolina Point System

Besides possible fine, imprisonment, and license suspension or revocation, convictions for certain motor vehicle law offenses may result in the assessment of points under what is known as the "point system." One who accumulates too many points may have his or her license suspended. (DMV may suspend the license of any driver who accumulates twelve or more points within a three-year period—or eight or more points in the three-year period immediately after the reinstatement of a license that was suspended or revoked because of a conviction for one or more traffic offenses.) [G.S. 20-16(a) (5).] The following passage from G.S. 20-16(c) summarizes the point system:

Schedule of Point Values

Passing stopped school bus	5
Reckless driving	4
Hit and run, property damage only	4
Following too close	4
Driving on wrong side of road	4
Illegal passing	4
Running through stop sign	3
Speeding in excess of 55 miles per hour	3

Failing to yield right-of-way	3
Running through red light	3
No driver's license or license expired more than one year	3
Failure to stop for siren	3
Driving through safety zone	3
No liability insurance	3
Failure to report accident where such report is required	3
Speeding in a school zone in excess of the posted school zone speed limit	3
All other moving violations	2
Littering (G.S. 14-399) involving use of motor vehicle	1

The [above] provisions . . . shall only apply to violations and convictions which take place within the State of North Carolina.

No points shall be assessed for conviction of the following offenses:

- Overloads
- Over length
- Over width
- Over height
- Illegal parking
- Carrying concealed weapon
- Improper plates
- Improper registration
- Improper muffler
- Public drunk within a vehicle
- Possession of alcoholic beverages
- Improper display of license plates or dealers' tags
- Unlawful display of emblems and insignia
- Failure to display current inspection certificate

In case of the conviction of a licensee of two or more traffic offenses committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have a different point value, such licensee shall be assessed for the offense having the greater point value. . . .

When a license is suspended under the point system provided for herein, the first such suspension shall be for not more than sixty (60) days; the second such suspension shall not exceed six (6) months, and any subsequent suspension shall not exceed one year.

Whenever the driver's license of any person is subject to suspension under this subsection and at the same time also subject to suspension or revocation under other provisions of laws, such suspensions or revocations shall run concurrently.

Punishment Chart for North Carolina Motor Vehicle Offenses

Offense Statute	Description of Offense	Punishment Statute	Punishment
Driver's License Violations			
Driving without License or Violating Restrictions			
20-7(a)	Operating motor vehicle without N.C. license (see G.S. 20-8 for exceptions).	20-35	Class 2 misdemeanor
20-7(a)	Driving class of motor vehicle which driver's license does not entitle a person to drive.	20-35	Class 2 misdemeanor
20-7(a)	Failure to carry license while operating vehicle [production of license valid at time of arrest is a good defense, G.S. 20-35(c)].	20-35	Class 2 misdemeanor
20-7(a1)	Operating motorcycle without having proper driver's license endorsement.	20-35	Class 2 misdemeanor
20-7(e)	Operating vehicle in violation of limitation noted on license.	20-35	Class 2 misdemeanor
20-7(l), (m)	Operating vehicle in violation of restriction noted on instruction or learner's permit.	20-35	Class 2 misdemeanor
Age Limits			
20-10	Operating a public passenger vehicle under 18.	20-35	Class 2 misdemeanor
20-10	Operating any road machine, tractor, etc., on state highway, age 14 or under.	20-35	Class 2 misdemeanor
20-10.1	Unlawful for any person under 16 to drive a moped on highway or public vehicular area.	20-35	Class 2 misdemeanor
Learner's Permit			
20-11(a)	Unlawful for any person to sign permit application which knowingly misstates the minor's age.	20-11(a)	Class 2 misdemeanor

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-11(b)	Driving with a learner's permit in violation of the law. ¹	20-35 20-11(b)	Class 2 misdemeanor
Impaired Driving Instructor			
20-12.1	Unlawful to instruct while impaired. (This offense is treated as an implied-consent offense under G.S. 20-16.2.) ^{2, 3}	20-35	Class 2 misdemeanor
Driving with Suspended or Revoked License			
20-16.1(b)	Violating restrictive driving privileges for excess speeding. ⁴	20-16.1(b) (4) 20-28(a)	Class 1 misdemeanor
20-28(a)	Driving while license is suspended or revoked. ⁵	20-28(a)	Class 1 misdemeanor
20-28(a)	Driving a vehicle by a restoree of a suspended or revoked license without the requisite financial responsibility.	20-28(a) 20-7 20-35	Class 2 misdemeanor
20-28(a1)	Driving while license revoked pursuant to G.S. 20-16.5, after first 10 days. (Immediate Civil Revocation.) ⁶	20-28(a1) 20-35	Class 2 misdemeanor
20-28(d)	Driving a vehicle while person is disqualified and revoked. ^{5, 7}	20-28(d) 20-28(a), (b)	Class 1 misdemeanor
20-28(d)	Driving a commercial motor vehicle during disqualification. ⁸	20-28(d)	Class 1 misdemeanor

1. Under G.S. 20-11(b) the permit is canceled.

2. G.S. 20-16(8a) authorizes DMV to suspend a license for "impaired instruction under 20-12.1," for a period of up to 1 year pursuant to G.S. 20-19(c).

3. G.S. 20-7(1-1) has been repealed.

4. G.S. 20-16.1(b) (4) says person is punished as for a G.S. 20-28 suspended license violation.

5. For a first offense under this section, the license is suspended or revoked for an additional year. Second offense: 2 years additional revocation or suspension. Third or subsequent offense: permanent suspension or revocation. The licensee is entitled to apply for restoration of the license early according to the following schedule: after 90 days for a 1-year revocation; after 12 months for a 2-year revocation; and after 3 years for a permanent revocation. A revocation under G.S. 20-16.5 usually begins at the time the revocation order is issued and continues until the license has been surrendered for 10 days and a \$50 restoration fee has been paid. See G.S. 20-28(c).

6. A person convicted of driving while license revoked under these circumstances is treated as if convicted of driving without a license for purposes of punishment and points [G.S. 20-28(a1)].

7. If disqualified solely under G.S. 20-16.5 and other requirements, then it is a Class 2 misdemeanor because of G.S. 20-28(a1).

8. G.S. 20-28(d) lays out additional punishment for commercial drivers.

Offense Statute	Description of Offense	Punishment Statute	Punishment
Illegal Activity Relating to License			
20-29	Refusing to give uniformed officer information required by statute, such as name, address, or vehicle owner; or giving false information; or refusing to surrender or produce license upon demand of court or DMV.	20-29	Class 2 misdemeanor
20-29	Driver of a car involved in an accident refusing to give any person information required by statute.	20-29	Class 2 misdemeanor
20-29.1	Failure to observe restrictions imposed by DMV about the kinds of vehicles a licensee may operate.	20-29.1 20-35	Class 2 misdemeanor
20-30(1)	Displaying or possessing any license or learner's permit known to be invalid. ⁹	20-35 20-16(a) (6)	Class 2 misdemeanor
20-30(2)	Counterfeiting, selling, lending, or knowingly permitting the use of any driver's license or learner's permit by one not entitled thereto. ⁹	20-35 20-16(a) (6)	Class 2 misdemeanor
20-30(3)	Displaying or representing as one's own a license not issued to the person displaying it. ⁹	20-35 20-16(a) (6)	Class 2 misdemeanor
20-30(4)	Refusing to surrender to DMV a driver's license that has been revoked or suspended.	20-35	Class 2 misdemeanor
20-30(5) *	Using or allowing others to use false names and addresses in license applications or renewals. ¹⁰	20-35 20-17(8)	Class 2 misdemeanor
20-30(5) *	Making false statements, concealing material facts, or otherwise committing a fraud in applying for a license or permit. ¹⁰	20-35 20-17(8)	Class 2 misdemeanor
20-30(6)	Reproducing or possessing a reproduced copy of a license or permit.	20-35	Class 2 misdemeanor
20-30(7)	Offering simulated license for sale.	20-30(7)	Class I felony
20-30(8)	To possess more than one commercial license, or to possess a commercial license and a regular license.	20-35	Class 2 misdemeanor
20-31 *	Making a false affidavit or knowingly swearing or affirming falsely to any matter or thing required by the statutes to be sworn to. ¹⁰	20-31 20-17(5)	Class I felony
20-32	Causing or permitting an unlicensed minor to drive on a highway.	20-35	Class 2 misdemeanor

* Pursuant to G.S. 20-24(a), the court must require the driver convicted of this offense to surrender his or her driver's license to the court; and the clerk must mail the license to the DMV within 30 days of the date of conviction.

9. Under G.S. 20-16(a) (6) and -19(c), the DMV may suspend a person's license for 1 year or less upon conviction of this offense.

10. Under G.S. 20-17(8) and -19(f), the DMV must revoke a person's license for 1 year upon conviction of this offense.

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-34	Authorizing or permitting one's vehicle to be driven by one who has no legal right to do so or to be driven in violation of provisions of the Driver's License Act.	20-35	Class 2 misdemeanor

Parking Privileges for Handicapped Drivers

20-37.6(c3)	Selling of a handicap license plate or windshield placard.	20-37.6(c3) 20-176(c)	Class 2 misdemeanor
20-37.6(e) (1)	Parking in a handicap space without displaying a handicap license tag or windshield placard. ¹¹	20-36.6(f) (1)	Infraction
20-37.6(e) (2)	Using or attempting to use handicap license tag or windshield placard when not qualified to do so. ¹¹	20-36.6(f) (1)	Infraction
20-37.6(e) (3)	Parking in front of a handicap ramp or curb cut. ¹¹	20-36.6(f) (1)	Infraction
20-37.6(e) (4)	Those responsible for designating parking spaces as handicap using signs not conforming to G.S. 30-37.6(d). ¹¹	20-37.6(f) (2)	Infraction

Special I.D. Card

20-37.7	Engaging in fraud and misrepresentation in applying for and using a special identification card.	20-37.7(e)	Class 2 misdemeanor
---------	--	------------	---------------------

Commercial Licenses

20-37.12(a)	Driving a commercial vehicle without a valid commercial driver's license with applicable endorsements. ¹²	20-37.21(a)	Class 3 misdemeanor
20-37.12(b)	Driving a commercial vehicle in violation of an out-of-service order. ¹²	20-37.21(a)	Class 3 misdemeanor
20-37.18(a)	Possessing a commercial driver's license and failing to notify the DMV within 30 days of a traffic conviction. ¹³	20-37.21(b)	Infraction
20-37.18(b)	Possessing a commercial driver's license and failing to notify the employer within 30 days of a traffic conviction. ¹³	20-37.21(b)	Infraction
20-37.18(c)	Failing to notify the employer on the next business day that the commercial driver's license has been suspended, revoked, or canceled or that the privilege to drive a commercial vehicle has been lost. ¹³	20-37.21(b)	Infraction

11. Penalty of \$50 to \$100.

12. Fined no less than \$250 for first offense and no less than \$500 for second or subsequent offense.

13. Penalty of no less than \$100 and no more than \$500.

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-37.19(a)	Failure to require an employee to notify the employer that commercial driver's license has been suspended, revoked, or canceled or the privilege lost. ¹⁴	20-37.21(c)	Infraction
20-37.19(b)(1)	Knowingly allowing, permitting, or authorizing a driver to drive a commercial vehicle while the commercial license has been suspended, revoked, or canceled, etc. ¹⁴	20-37.21(c)	Infraction
20-37.19(b)(2)	Knowingly allowing, permitting, or authorizing a driver to drive a commercial vehicle when the driver has more than one driver's license. ¹⁴	20-37.21(c)	Infraction

Vehicle Registration

20-50	Owning a vehicle which is not registered with DMV or which is not displaying current registration plates (unless vehicle is exempt from registration by statute).	20-176(a), (c)	Class 2 misdemeanor
20-63(a)	Willfully failing to surrender illegible registration plates upon request of DMV.	20-63(a)	Class 2 misdemeanor
20-63(d)	Failing to place registration plate at proper place on vehicle.	20-176(a), (c)	Class 2 misdemeanor
20-63(e)	Failing to clean registration plates after being requested to do so by an officer.	20-63(e)	Class 3 misdemeanor
20-63(f)	Willfully operating vehicle with a registration plate which has been altered.	20-63(f)	Class 2 misdemeanor
20-63(g)	Willfully altering, disguising, or concealing numbers on a registration plate.	20-63(g)	Class 2 misdemeanor
20-71(a)	Altering certificate of title, registration card, or application for such with fraudulent intent.	20-71(a) 20-177	Class I felony
20-71(a)	Forging or counterfeiting certificate of title or registration card.	20-71(a) 20-177	Class I felony
20-71(a)	Knowingly using an altered, forged, or falsified certificate of title or registration card.	20-71(a) 20-177	Class I felony
20-71(b)	Possessing a blank N.C. certificate of title or facsimile with fraudulent intent.	20-71(b)	Class I felony

Salvage Titles

20-71.4(a)	Failing to disclose that a vehicle was flooded, reconstructed, or salvaged or that it was damaged when repair cost was over 25% of FMV.	20-71.4(a)	Class 2 misdemeanor
------------	---	------------	---------------------

¹⁴. Penalty of no less than \$500 and no more than \$1,000.

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-71.4(b)	Removing the title or supporting documents to any vehicle to conceal damage.	20-71.4(b)	Class 2 misdemeanor

Transfer of Title or Interest

20-72(b)	Delivering or accepting a certificate of title assigned in blank.	20-72(b)	Class 2 misdemeanor
20-73(a)	Failing to apply for certificate of title within required time. ¹⁵	20-73(c)	Class 2 misdemeanor
20-74	Knowingly making a false statement about the date a vehicle was sold or acquired.	20-74	Class 3 misdemeanor

Dealer Plates

20-79(e)(1)	Driving a vehicle under dealer license plates in violation of restrictions of use. ¹⁶	20-79(e)(1)	Infraction
-------------	--	-------------	------------

Car Theft and Related Offenses

20-102.1	Knowingly making false reports of vehicle theft to DMV.	20-102.1	Class 2 misdemeanor
20-106	Receiving or transferring stolen vehicles.	20-106	Class H felony
20-106.1	Failure to return a rented vehicle with intent to defraud.	20-106.1	Class I felony
20-107(a)	Willfully tampering with or removing parts from a vehicle without owner's consent.	20-107(a)	Class 2 misdemeanor
20-107(b)	1) Climbing into vehicle with intent to steal or damage it or commit any crime; or 2) Manipulating any brakes or starting mechanism on a standing vehicle with intent to steal or damage it; or 3) Setting in motion any unattended vehicle with intent to steal or damage it.	20-107(a)	Class 2 misdemeanor
20-108(a)	Knowingly possessing, selling, receiving, etc., a vehicle that has had any identification or serial number altered or removed.	20-108(a)	Class 2 misdemeanor
20-109(a)	Knowingly altering or removing any serial or identification numbers on parts of a vehicle; or knowingly placing an unauthorized number on any vehicle or part or allowing such actions.	20-109(a)	Class I felony

¹⁵. Subject to a civil penalty of \$10.

¹⁶. Subject to a penalty of \$50.

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-109(b)	Intentionally concealing or misrepresenting true identity of a vehicle by altering or defacing a serial number, or allowing such actions on one's vehicle, or using or selling parts of a vehicle containing serial numbers with intent to conceal the identity of the vehicle.	20-109(b)	Class I felony

Violation of Registration Provisions

20-111(1)	Operating a vehicle which is not registered with DMV or which is not displaying current registration plates.	20-176(a), (c)	Class 2 misdemeanor
20-111(2)	Knowingly displaying or possessing an altered, expired, or revoked registration card or plate.	20-176(a), (c)	Class 2 misdemeanor
20-111(3)	Giving, lending, or borrowing a registration plate for use on another vehicle.	20-111(3)	Class 3 misdemeanor
20-111(4)	Failing to surrender to DMV, upon demand, any title certificate, registration card, or plate which has been suspended or canceled.	20-176(a), (c)	Class 2 misdemeanor
20-111(5)	Using false names or addresses or concealing or misrepresenting material facts in registration applications.	20-111(5)	Class 1 misdemeanor
20-111(6)	Giving, lending, selling, or obtaining any title certificate for any purpose other than registration, sale, etc., of vehicle for which issued.	20-111(6)	Class 2 misdemeanor

Perjury

20-112	Knowingly making any false affidavit or swearing or affirming falsely.	20-112	Class I felony
--------	--	--------	----------------

Failure to Obey Directions of Police or Firemen

20-114.1(a)	Willfully failing or refusing to comply with lawful orders of law-enforcement officers related to control of traffic.	20-176(a), (c)	Class 2 misdemeanor
20-114.1(b)	Willfully failing or refusing to comply with lawful orders of firemen (at scene of fire) or rescue squads (at scene of an accident) related to traffic control.	20-176(a), (c)	Class 2 misdemeanor

Equipment Violations

Tires

20-122.1	Driving with unsafe tires.	20-115 20-176(a), (b)	Infraction
----------	----------------------------	--------------------------	------------

Offense Statute	Description of Offense	Punishment Statute	Punishment
Steering Mechanism			
20-123.1	Failing to maintain a good working steering mechanism of a self-propelled motor vehicle.	20-115 20-176(a), (b)	Infraction
Speedometer			
20-123.2	Operating a vehicle without a working speedometer. ¹⁷	20-123.2(b)	Infraction
Brakes			
20-124(a)	Absence of brakes sufficient to stop and control vehicle.	20-115 20-176(a), (b)	Infraction
20-124(a)	Failure to maintain brakes in conformity with regulations.	20-115 20-176(a), (b)	Infraction
20-124(c)	Failure to maintain originally equipped brakes, including failure to maintain two separate means of applying brakes.	20-115 20-176(a), (b)	Infraction
20-124(d)	Absence of at least one brake on motorcycle used on highway.	20-115 20-176(a), (b)	Infraction
20-124(e)	Absence on trucks of brakes sufficient to stop vehicle within required distances.	20-115 20-176(a), (b)	Infraction
20-124(e1)	Absence of brakes acting on all wheels on specified trucks or tractor-trucks with trailers.	20-115 20-176(a), (b)	Infraction
Selling Unapproved Brake Fluid or Lining			
20-124(h)	Selling or offering to sell unapproved brake fluid or brake lining.	20-124(h)	Class 2 misdemeanor
Horns and Warning Devices			
20-125(a)	Failing to equip a vehicle with a horn audible up to 200 feet in normal conditions.	20-115 20-176(a), (b)	Infraction
20-125(a)	Using a siren, compression or spark plug whistle when not allowed.	20-115 20-176(a), (b)	Infraction
20-125(a)	Using a horn for other than a reasonable warning or making any unnecessary loud or harsh sound by horn or other warning device.	20-115 20-176(a), (b)	Infraction

¹⁷. Penalty of no more than \$25 and no license or insurance points.

Offense Statute	Description of Offense	Punishment Statute	Punishment
Mirrors			
20-126(a)	Driving a vehicle on streets without a rearview mirror which provides unobstructed view (exempted vehicles in statute).	20-115 20-176(a), (b)	Infraction
20-126(a)	Driving a loaded vehicle which renders a rearview mirror ineffective without using a mirror that reflects the rear view.	20-115 20-176(a), (b)	Infraction
20-126(b)	Operating a vehicle without an outside mirror on the driver's side (for vehicles assembled or sold after 1966).	20-115 20-176(a), (b)	Infraction
20-126(c)	Operating a motorcycle on streets without a rearview mirror that provides an unobstructed view of at least 200 feet.	20-115 20-176(a), (b)	Infraction
Windshields			
20-127(a)	Driving a vehicle on streets with any sign, poster, etc., on the front, side, or rear window other than those papers required to be displayed.	20-115 20-176(a), (b)	Infraction
20-127(b)	Operating a vehicle without a properly working device for cleaning snow, rain, moisture, etc., from the front windshield.	20-115 20-176(a), (b)	Infraction
20-127(c)	Having tinted windows or windshield not meeting state standards.	20-127(k) 20-176(a), (c)	Class 2 misdemeanor
20-127(e)	Failure of tinted window to have installer's sticker.	20-127(k)	Infraction
Muffler			
20-128(a)	Driving vehicle when muffler not in sufficiently good working order to prevent excessive noise or smoke.	20-115 20-176(a), (b)	Infraction
20-128(b)	Using a muffler cut-out.	20-115 20-176(a), (b)	Infraction
20-128(c)	Operating a motor vehicle without required emission control devices.	20-115 20-176(a), (b)	Infraction
20-128.1(a)	Operating a gasoline-powered vehicle that emits visible air contaminants for longer than 5 seconds. ¹⁸	20-128.1(d) 20-176(a), (b)	Infraction
20-128.1(a)	Operating a diesel-powered vehicle that emits visible contaminants of a specific shade or density for longer than 5 seconds. ¹⁸	20-128.1(d) 20-176(a), (b)	Infraction

¹⁸. A person charged under this section has 30 days in which to repair the vehicle.

Offense Statute	Description of Offense	Punishment Statute	Punishment
Lights			
20-129(a)(1)	Failing to have lights on from sunset to sunrise.	20-115 20-176(a), (b)	Infraction
20-129(a)(2)	Failing to have lights on when a person cannot be seen clearly 400 feet ahead.	20-115 20-176(a), (b)	Infraction
20-129(a)(4)	Failing to have lights on when windshield wipers are in use due to rain, fog, etc. ¹⁹	20-129(a)(4)	Infraction
20-129(b)	Absence on vehicle of at least two headlamps (statute lists exceptions).	20-115 20-176(a), (b)	Infraction
20-129(c)	Absence on motorcycle of headlamp complying with requirements of statute.	20-115 20-176(a), (b)	Infraction
20-129(c)	Failure to keep motorcycle lamps lighted while motorcycle in use on highway.	20-115 20-176(a), (b)	Infraction
20-129(d)	Absence of any of required rear lamps as listed in statute.	20-115 20-176(a), (b)	Infraction
20-129(e)	Absence of required lamps or reflectors on bicycles used at night.	20-115 20-176(a), (b)	Infraction
20-129(f)	Absence of required lights on vehicles not otherwise included in section (farm tractors, etc.; see statute for details).	20-115 20-176(a), (b)	Infraction
20-129(g)	Selling or operating a vehicle or motorcycle without a stop lamp.	20-115 20-176(a), (b)	Infraction
20-129.1(1)	Absence of two reflectors and one stop light on rear of bus or truck.	20-115 20-176(a), (b)	Infraction
20-129.1(2)	Absence of additional specified lights and reflectors on certain trucks or buses.	20-115 20-176(a), (b)	Infraction
20-129.1(3)	Absence of two clearance lamps on front, and one stop light on the rear on truck-tractor.	20-115 20-176(a), (b)	Infraction
20-129.1(4)	Absence of specified lights and reflectors on certain trailers or semitrailers.	20-115 20-176(a), (b)	Infraction
20-129.1(5)	Absence of specified lights and reflectors on certain large pole-trailers.	20-115 20-176(a), (b)	Infraction
20-129.1(6)	Absence of required reflectors and stop lights on certain smaller trailers.	20-115 20-176(a), (b)	Infraction
20-129.1(7), (8),(9)	Failure on any vehicle of front-clearance lamps to reflect an amber color, or rear lamps and reflectors to reflect a red color.	20-115 20-176(a), (b)	Infraction

19. Fined \$5.00 and no court costs and no license or insurance points.

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-129.1(10)	Absence of combination marker lamp mounted on the bottom side rail at or near the center of each side of certain trailers showing amber color.	20-115 20-176(a), (b)	Infraction
20-130.1(a)	Installing or using on a vehicle a red light (see 20-130.1(b) for vehicle exceptions).	20-130.1(e)	Class 1 misdemeanor
20-130.1(c)	Installing or using on a vehicle a blue light (see 20-130.1(d) for vehicle exceptions).	20-130.1(e)	Class 1 misdemeanor
20-130.3	Driving a vehicle in forward motion while displaying white or clear lights on the rear of the vehicle (does not apply to backup lights).	20-115 20-176(a), (b)	Infraction
20-134	Failing at required times to display a lamp of white or amber light on the front and rear of a vehicle parked or stopped on a highway (attended or unattended).	20-115 20-176(a), (b)	Infraction
Seat Belts			
20-135.2A	Failure of driver or front seat occupant to have seat safety belt properly fastened. ²⁰	20-135.2A(e)	Infraction
20-135.2B	Transporting children in the open bed of a pickup truck. ²¹	20-135.2B(c)	Infraction
Smoke Screens			
20-136	Driving, using, or possessing a vehicle with a mechanism capable of discharging an unusual amount of smoke or gas, or possessing such device.	20-136(b)	Class I felony
Child Restraint Systems			
20-137.1	Transporting child less than 12 years of age without having him or her secured in passenger restraint system (car safety seat) meeting federal standards. Requirement may be met when child is 4 years of age or older by securing him or her in a seat safety belt (amendments effective 7/1/95). ²¹	20-137.1(c)	Infraction

20. Fined \$25 and no court costs. Under 20-135.2A(f), no license or insurance points are assessed.

21. A \$25 penalty but no license or insurance points.

Offense Statute	Description of Offense	Punishment Statute	Punishment
Rules of the Road Violations			
Driving While Impaired			
20-138.1*	Driving a vehicle while impaired or after consuming sufficient alcohol that, at any relevant time after driving, the driver has a concentration of $\geq .08$. ²²	20-138.1(d) 20-179(g) 20-17(2)	Level One: Up to \$2,000 and 14 days to 24 months.
20-138.1*	Driving a vehicle while impaired or after consuming sufficient alcohol that, at any relevant time after driving, the driver has a concentration of $\geq .08$. ²²	20-138.1(d) 20-179(h) 20-17(2)	Level Two: Up to \$1,000 and 7 days (minimum) to 12 months
20-138.1*	Driving a vehicle while impaired or after consuming sufficient alcohol that, at any relevant time after driving, the driver has a concentration of $\geq .08$. ²²	20-138.1(d) 20-179(i) 20-17(2)	Level Three: Up to \$500 and 72 hours (minimum) to 6 months

*Pursuant to G.S. 20-24(a), the court must require the driver convicted of this offense to surrender his or her driver's license to the court; and the clerk must mail the license to the DMV within 30 days of the date of conviction.

22. The driving-while-impaired sentencing statute (G.S. 20-179) contains several unique provisions. The punishments listed in this chart are the minimums and maximums allowable under the statute for each level of punishment, but for each level there are other relevant sentencing provisions.

Level One: 14 days to 24 months in jail. At least 14 days must be imposed, and this sentence cannot be suspended unless the defendant serves at least 14 days in jail as a condition of special probation, or serves at least 4 consecutive days in jail and at least 20 days under electronic house arrest. Plus there is a fine of up to \$2,000.

Level Two: 7 days to 12 months in jail. At least 7 days must be imposed, and this sentence cannot be suspended unless the defendant serves at least 7 days in jail as a condition of special probation, or serves at least 2 consecutive days in jail and at least 10 days under electronic house arrest. Plus there is a fine of up to \$1,000.

Level Three: 72 hours to 6 months in jail. A minimum of 72 hours must be imposed, and suspended only if the defendant is placed on supervised or unsupervised probation. Certain probation conditions must be imposed. The judge must require that the defendant do at least one of these three things: not drive for at least 90 days, perform at least 72 hours of community service, or serve at least 72 hours in jail under the special probation statute. The judge may also require that any two or all three be performed. Plus there is a fine of up to \$500.

Level Four: 48 hours to 120 days in jail. A minimum of 48 hours must be imposed, and suspended only if the defendant is placed on supervised or unsupervised probation. Certain probation conditions must be imposed. The judge must require that the defendant do at least one of three things: not drive for 60 days, perform 48 hours of community service, or serve 48 hours in jail under the special probation statute. The judge may also require that any two or all three be performed. Plus there is a fine of up to \$250.

Level Five: 24 hours to 60 days in jail. A minimum of 24 hours required must be imposed, and suspended only if the defendant is placed on supervised or unsupervised probation. There are certain conditions that must be imposed. The judge must require that the defendant do at least one of these three things: not drive for 30 days, perform 24 hours of community service, or serve 24 hours in jail under the special probation statute. The judge may also require that any two or that all three be performed. Plus there is a fine of up to \$100.

Under any level of punishment, if the defendant is placed on probation, a substance abuse assessment is required and alcohol and drug abuse education or treatment may also be required. See G.S. 20-179(m).

Under G.S. 20-17(2), the DMV must revoke a driver's license when it receives a record of the driver's final conviction of "impaired driving under G.S. 20-138.1."

A trial judge (under G.S. 20-179.3) may allow a limited driving privilege if punishment level 3, 4, or 5 was imposed and the criteria established by that statute are met.

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-138.1*	Driving a vehicle while impaired or after consuming sufficient alcohol that, at any relevant time after driving, the driver has a concentration of .08. ²²	20-138.1(d) 20-179(j)	Level Four: Up to \$250 and 48 hours (minimum) to 120 days
20-138.1*	Driving a vehicle while impaired or after consuming sufficient alcohol that, at any relevant time after driving, the driver has a concentration of .08. ²²	20-138.1(d) 20-179(k) 20-17(2)	Level Five: Up to \$100 and 24 hours (minimum) to 60 days
20-138.2(a)*	Impaired driving in a commercial vehicle or after consuming sufficient alcohol that, at any relevant time after driving, the driver has a concentration of .04. ²³	20-138.2(e) 20-17(2)	Class 1 misdemeanor
20-138.3(a)*	Driving by provisional licensee (person under age 18) after consuming alcohol or drugs. ²⁴	20-138.3(c) 20-13.2	Class 2 misdemeanor
20-138.5(a)*	Driving while impaired after being convicted of three or more offenses involving impaired driving within 7 years.	20-138.5(b) 20-138.5(d)	Class G felony

Reckless Driving²⁵

20-140(a)	Driving carelessly and heedlessly in willful or wanton disregard of the rights of others.	20-140(d)	Class 2 misdemeanor
20-140(b)	Driving without due caution in a manner so as to endanger other people or property.	20-140(d)	Class 2 misdemeanor

Use of Controlled-Access Highways²⁶

20-140.3(1)	Driving across a curb, dividing section, or dividing line on controlled-access highways.	20-176(a), (b)	Infraction
20-140.3(2)	Making a left, semicircular, or U-turn when there is no opening provided for that purpose in the dividing curb, separation, or line on controlled-access highways.	20-176(a), (b)	Infraction

*Pursuant to G.S. 20-24(a), the court must require the driver convicted of this offense to surrender his or her driver's license to the court; and the clerk must mail the license to the DMV within 30 days of the date of conviction.

23. Under G.S. 20-17.4, a person convicted of this offense will be disqualified from driving a commercial vehicle.

24. G.S. 20-13.2(d) requires revocation of the driver's license.

25. Reckless driving violations are subject to the following provisions for revocation or suspension of license: Discretionary suspension, under G.S. 20-16(a) (9) and G.S. 20-19(a), is not to exceed 6 months for conviction of one or more charges of reckless driving (and one or more charges of speeding in excess of 55 mph and not more than 80 mph) within a 12-month period. Mandatory revocation, under G.S. 20-17(7) and G.S. 20-19(f), is for 1 year for conviction upon one charge of reckless driving while illegally transporting intoxicants for the purpose of sale. [Two offenses within 1 year also results in a 1-year revocation under G.S. 20-17(b).]

26. G.S. 136-89.58 also creates certain controlled-access road offenses that roughly parallel those in G.S. 20-140.3 (but are Class 2 misdemeanors).

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-140.3(3)	Driving in the wrong lane or wrong direction on controlled-access highways.	20-176(a), (b)	Infraction
20-140.3(4)	Driving onto or from any controlled-access highway when such entrances and exits are not established by public authority.	20-176(a), (b)	Infraction
20-140.3(5)	Stopping, parking, or leaving a vehicle (attended or unattended) on any part of the right-of-way.	20-176(a), (b)	Infraction
20-140.3(6)	Failing to yield the right-of-way when entering the highway to a vehicle already traveling on highway.	20-176(a), (b)	Infraction

Motorcycles and Mopeds

20-140.4(a)(1)	Operating a motorcycle or moped with more persons than it is designated to carry. ²⁷	20-140.4(c) 20-135.2A(e), (f)	Infraction
20-140.4(a)(2)	Operating a motorcycle or moped without an approved safety helmet. ²⁷	20-140.4(c) 20-135.2A(e), (f)	Infraction

Speeding²⁸

20-141(a)	Driving at a speed that is greater than is reasonable or prudent under existing conditions.	20-176(a), (b)	Infraction
20-141(b)	Operating vehicle in excess of following speeds (except where otherwise permitted in G.S. Ch. 20): 35 mph inside municipal corporate limits (for all vehicles); 55 mph outside municipal corporate limits (except as otherwise posted). For driving more than 15 mph over limit, see 20-141(j1). See G.S. 20-218, 20-218.2 for school buses, etc.	20-176(a), (b)	Infraction

27. Fined according to G.S. 20-135.2A(e) and (f), which calls for \$25 and no court costs and no license or insurance points.

28. All speeding violations are subject to the following provisions for suspension or revocation of license: Discretionary suspension, under G.S. 20-16(a)(10) and G.S. 20-19(b), is not to exceed 12 months if the person has been convicted of operating a motor vehicle over 75 mph where the maximum speed is less than 70 mph. Discretionary suspension, under G.S. 20-16(a)(9) and G.S. 20-19(a), is not to exceed 6 months if the person has, within a 12-month period, been convicted of two or more charges of speeding over 55 mph and not more than 80 mph (or one or more charges of reckless driving and one or more charges of speeding in excess of 55 mph and not more than 80 mph). Mandatory suspension, under G.S. 20-16.1, is for 30 days upon conviction of exceeding the speed limit by more than 15 mph if the person was also exceeding 55 mph at the time of the offense, or for 60 days upon conviction of a second or subsequent offense that occurred within 1 year of the first or prior offense, or upon conviction of violating laws against speeding as described and of violating laws against reckless driving on the same occasion. (These provisions do not prevent a longer suspension if it is authorized by other provisions.) A judge may grant limited driving privileges to a first offender under G.S. 20-16.1(a).

Under G.S. 20-24, a judge must require a person convicted of an offense carrying a mandatory revocation to surrender his or her license to the court. Suspensions and revocations have identical meanings under G.S. 20-4.01(36). Therefore a judge must require a person convicted of speeding over 55 and over 15 mph over the speed limit or any other offense that would support a suspension under G.S. 20-16.1 to surrender his or her license to the court.

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-141(e)	Violating speed limit set by local authority for streets not in state highway system (not to be more than 55 mph and effective only if signs are posted). For driving more than 15 mph over limit, see 20-141(j1).	20-176(a), (b)	Infraction
20-141(f)	Violating speed limit set by local authority on highways in the state system and within corporate limits (effective when Department of Transportation passes concurring ordinance and signs are posted). For driving more than 15 mph over limit, see 20-141(j1).	20-176(a), (b)	Infraction
20-141(g)	Violating minimum speed limit established on state highways or by local authorities (effective when appropriate signs giving notice are erected).	20-176(a), (b)	Infraction
20-141(j) *	Driving in excess of 55 mph and at least 15 mph over legal limit, while fleeing or attempting to elude arrest by a law-enforcement officer. ²⁹	20-141(j) 20-17(10)	Class 1 misdemeanor
20-141(j1)	Driving more than 15 mph over speed limit.	20-141(j1)	Class 2 misdemeanor
20-141(j2)	Driving in highway work zone in excess of posted speed. ³⁰	20-141(j2)	Infraction
20-141(m)	Failing to reduce speed as necessary to avoid a collision or injury.	20-176(a), (b)	Infraction
School Zones			
20-141.1	Violating speed limits set by the Board of Transportation or local authority for areas near schools (effective when signs are erected giving notice of school zone, speed limit, and days and hours).	20-176(a), (b)	Infraction
Racing and Death by Vehicle			
20-141.3(a) *	Engaging in prearranged speed competition with another motor vehicle. ^{31, 32}	20-141.3(a) 20-141.3(d)	Class 2 misdemeanor

*Pursuant to G.S. 20-24(a), the court must require the driver convicted of this offense to surrender his or her driver's license to the court; and the clerk must mail the license to the DMV within 30 days of the date of conviction.

29. Under G.S. 20-17(10) and G.S. 20-19(f), the DMV must revoke a person's license for 1 year upon conviction of this offense.

30. Must pay \$100.

31. Under G.S. 20-141.3(d), a driver convicted under this subsection has his or her license revoked for 3 years by CMV; after 18 months, the DMV may issue a new license upon such terms and condition as it sees fit. G.S. 20-141.3(f) apparently makes the provisions of G.S. 20-24 applicable to this offense. Thus under G.S. 20-24(a), the court should pick up the defendant's driver's license and forward it to the DMV.

32. Under G.S. 20-141.3(g), any vehicle used by a person convicted under this subsection is to be forfeited and sold at public auction. If the owner of the vehicle can show that it was used in prearranged racing without his consent and he had no reasonable grounds to believe it would be so used, he may recover the vehicle.

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-141.3(b)	Willfully engaging in speed competition with another motor vehicle (not prearranged). ³³	20-141.3(b) 20-141.3(e)	Class 1 misdemeanor
20-141.3(c)*	Allowing or authorizing others to use one's motor vehicle in prearranged speed competition. ³¹	20-141.3(c) 20-141.3(d)	Class 1 misdemeanor
20-141.3(c)*	Placing or receiving a bet or wager on a prearranged speed competition. ³¹	20-141.3(c) 20-141.3(d)	Class 1 misdemeanor
20-141.4(a1)*	Unintentionally causing death when driving while impaired. ³⁴	20-141.4(b)	Class G felony
20-141.4(a2)*	Unintentionally causing death while engaged in violation other than DWI. ³⁴	20-141.4(b)	Class 1 misdemeanor

Failing to Stop at Grade Crossing

20-142.1(a)	Failing to stop at railroad grade crossing for electrical signal, gate, audible signal, or train in hazardous proximity to crossing.	20-142.1(d) 20-176(a), (b)	Infraction
20-142.1(b)	Driving through crossing gate while gate is closed, opening, or closing.	20-142.1(d) 20-176(a), (b)	Infraction
20-142.2	Failure to stop at stop sign erected at dangerous railroad crossing by Department of Transportation.	20-142.2 20-176(a), (b)	Infraction
20-142.3	Failing to stop certain kinds of vehicles at all railroad crossings (exceptions noted in statute).	20-176(a), (b)	Infraction
20-142.4(a), (b)	Crossing a railroad with a tractor or with other equipment that normally has an operating speed of 5 miles per hour or less without giving notice to a railroad superintendent.	20-142.4(f) 20-176(a), (b)	Infraction
20-142.4(a), (c)	Crossing a railroad with a tractor or with other equipment that normally has an operating speed of 5 miles per hour or less without stopping first, listening and looking in both directions, and crossing when safe (doesn't apply to crossings where authorities have determined no trains are running).	20-142.4(f) 20-176(a), (b)	Infraction
20-142.4(a), (d)	Crossing a railroad with a tractor or with other equipment that normally has an operating speed of 5 miles per hour or less when signal, gates, or flagman are giving a warning.	20-142.4(f) 20-176(a), (b)	Infraction

*Pursuant to G.S. 20-24(a), the court must require the driver convicted of this offense to surrender his or her driver's license to the court; and the clerk must mail the license to the DMV within 30 days of the date of conviction.

33. Under G.S. 20-141.3(e), the CMV may suspend for up to 1 year the license of a driver convicted under this subsection.

34. Under G.S. 20-17(9) and 20-19(f), the DMV must revoke the license of a driver convicted of death by vehicle for 1 year. If the offense involved impaired driving, then the revocation is permanent [G.S. 20-19(i)].

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-142.5	Driving into intersection, crosswalk, or railroad grade crossing in manner to obstruct vehicles, pedestrians, or trains.	20-142.5 20-176(a), (b)	Infraction
Driving on Wrong Side of Road			
20-146(a)	Failing to drive on right half of highway of sufficient width (exceptions noted in statute).	20-176(a), (b)	Infraction
20-146(b)	Failing to drive in the right lane when driving below speed limit (except when passing or turning left).	20-176(a), (b)	Infraction
20-146(c)	Driving to left of center on a road with four or more lanes with two-way movement of traffic, except when authorized by signs, or to avoid obstructions.	20-176(a), (b)	Infraction
20-146(d)(1)	Failure to: (a) drive within a single lane or (b) ascertain that a lane change can be made safely in a road with two lanes moving in same direction.	20-176(a), (b)	Infraction
20-146(d)(2)	Driving in center lane of road with three or more lanes with two-way traffic, unless passing a vehicle, turning left, or in accordance with traffic signs.	20-176(a), (b)	Infraction
20-146(d)(3)	Failure to: (a) obey traffic control devices directing that specified traffic use a designated lane or (b) obey traffic control devices prohibiting change of lanes.	20-176(a), (b)	Infraction
20-146(e)	Impeding traffic by using lane next to median of dual-lane highway, unless traveling at speed limit or preparing to turn left (road must be posted).	20-176(a), (b)	Infraction
20-146.1(a)	Depriving a motorcycle of full use of a lane with a vehicle (except when two motorcycles are abreast in a single lane).	20-176(a), (b)	Infraction
20-146.1(b)	Operating more than two motorcycles abreast in single lane.	20-176(a), (b)	Infraction
20-147	Failing to drive vehicle on right half of highway in crossing an intersection of two highways or of a highway and railroad right-of-way, unless the right side is obstructed.	20-176(a), (b)	Infraction
20-148	Failing to pass a vehicle in the opposite direction on the right and leaving at least half of the road if possible.	20-176(a), (b)	Infraction
Improper Passing			
20-149(a)	Passing another vehicle going in same direction without passing at least 2 feet to left of other vehicle (G.S. 20-150.1 permits passing on right in certain instances).	20-176(a), (b)	Infraction

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-149(a)	When passing on the left, returning to right lane before being safely clear of the passed vehicle.	20-176(a), (b)	Infraction
20-149(b)	When being passed by another vehicle on the left, failure to give way to the right on hearing an audible warning signal from passing vehicle (not applicable if being passed on right under G.S. 20-150.1).	20-176(a), (b)	Infraction
20-150(a)	Passing on left when the left side of roadway is not clearly visible and free of traffic for sufficient distance to allow movement in safety.	20-176(a), (b)	Infraction
20-150(b)	Passing on the crest of a grade or on a curve when driver cannot see roadway ahead for at least 500 feet.	20-176(a), (b)	Infraction
20-150(c)	Passing at a railway grade crossing or at a marked intersection, unless allowed to do so by a police officer.	20-176(a), (b)	Infraction
20-150(d)	Driving to left of a visible center line on the crest of a hill or on a curve.	20-176(a), (b)	Infraction
20-150(e)	Passing another vehicle when signs or markings clearly indicate that passing should not be attempted.	20-176(a), (b)	Infraction
20-151	When being passed by another vehicle on the left, failure to give way to the right on hearing an audible warning signal from passing vehicle (not applicable if being passed on right under G.S. 20-150.1).	20-176(a), (b)	Infraction
20-151	Increasing speed when being passed on left.	20-176(a), (b)	Infraction
Following Too Closely			
20-152(a)	Following a vehicle more closely than is reasonable and prudent, with regard for speed of other vehicles, traffic, and road conditions.	20-176(a), (b)	Infraction
20-152(b)	When following a vehicle and being passed by another, failing to allow passing vehicle enough space to reenter his original lane of traffic (subject to exceptions listed in statute).	20-176(a), (b)	Infraction
Improper Turning			
20-153(a)	When approaching or turning right at an intersection, failure to keep vehicle as close as practicable to the right curb.	20-176(a), (b)	Infraction
20-153(b)	When approaching intersection to turn left, failure to use extreme left-hand lane lawfully available.	20-176(a), (b)	Infraction
20-153(b)	When turning left, failure to turn into a lane lawfully available to traffic leaving the intersection.	20-176(a), (b)	Infraction

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-153(b)	When practicable, failure to turn left in portion of intersection to the left of center.	20-176(a), (b)	Infraction
20-153(c)	Failure to obey lawful traffic control devices modifying the general turning rules of G.S. 20-153.	20-176(a), (b)	Infraction
20-154(a)	Starting, stopping, or turning without first seeing that the movement can be made safely.	20-176(a), (b)	Infraction
20-154(a)	Failure to sound the horn before making a movement that may affect pedestrians.	20-176(a), (b)	Infraction
20-154(a)	Failure to give a signal of intention when stopping, starting, or turning when another vehicle may be affected (requirements for signals set out in statute).	20-176(a), (b)	Infraction
20-154(a)	Backing a vehicle in unsafe manner or in a manner that interferes with other traffic.	20-176(a), (b)	Infraction
Failing to Yield Right of Way			
20-155(a)	When two vehicles enter intersection at approximately the same time, failure by driver on left to yield right of way.	20-176(a), (b)	Infraction
20-155(b)	Failure to yield to oncoming traffic when turning left.	20-176(a), (b)	Infraction
20-155(c)	Failure to yield to pedestrian at clearly marked crosswalks or regular pedestrian crossing (exceptions noted in statute).	20-176(a), (b)	Infraction
20-155(d)	When approaching a traffic circle, failure to yield to vehicle already in circle.	20-176(a), (b)	Infraction
20-156(a)	When entering a public highway from a private road, failure to yield to traffic on the highway.	20-176(a), (b)	Infraction
20-156(b)	Failure to yield right of way to police, fire, and other emergency vehicles with sirens and lights on.	20-176(a), (b)	Infraction
20-157(a)	Upon approach of a fire, police, rescue vehicle, etc., with lights and siren on, failure to stop on right side of road until emergency vehicle passes.	20-157(a)	Class 2 misdemeanor
Actions Prohibited in Emergencies			
20-157(b)	Following closer than one block any fire apparatus traveling in response to a fire alarm.	20-176(a), (b)	Infraction
20-157(b)	Driving to or parking within one block where fire apparatus has stopped to answer an alarm.	20-176(a), (b)	Infraction
20-157(c)	Outside of a city, following closer than 400 feet any fire apparatus traveling in response to a fire alarm.	20-176(a), (b)	Infraction

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-157(c)	Outside of a city, driving to or parking within 400 feet of where fire apparatus has stopped to answer an alarm.	20-176(a), (b)	Infraction
20-157(d)	Driving over a fire hose or any other equipment that is being used at a fire.	20-176(a), (b)	Infraction
20-157(d)	Blocking a fire-fighting apparatus from its source of supply.	20-176(a), (b)	Infraction
20-157(e)	Parking or leaving a vehicle within 100 feet of police, fire, or rescue vehicles which are investigating or assisting in an accident.	20-176(a), (b)	Infraction
Failing to Stop			
20-158(b) (1)	Failure to stop at intersections in obedience to posted stop sign or failure to yield right of way after stopping at stop sign.	20-176(a), (b)	Infraction
20-158(b) (2)	Failure to stop at intersection and yield right of way when traffic light emits a steady (or strobe) red light (also failure to enter intersection with due care when light is green).	20-176(a), (b)	Infraction
20-158(b) (3)	Failure to stop at intersection and yield when a flashing red light controls traffic in driver's lane.	20-176(a), (b)	Infraction
20-158(b) (4)	Failure to proceed with caution and yield the right of way to vehicles in or approaching the intersection when a flashing yellow light controls the intersection.	20-176(a), (b)	Infraction
20-158(b) (5)	When required to stop, (1) failing to stop at the appropriate marked line, (2) if no line, failing to stop before marked crosswalk, (3) if no crosswalk, failing to stop at the point nearest the intersecting street where the driver has a view of approaching traffic.	20-176(a), (b)	Infraction
20-158(c) (1)	Failure to obey a stop sign and yield right of way at place other than at an intersection.	20-176(a), (b)	Infraction
20-158(c) (2)	Failure to obey a traffic light emitting a steady red light at place other than an intersection.	20-176(a), (b)	Infraction
20-158(c) (3)	Failure to stop and yield to pedestrians or other vehicles at a flashing red light at place other than an intersection.	20-176(a), (b)	Infraction
20-158(c) (4)	Failure to proceed with caution or yield at a yellow traffic light at place other than an intersection.	20-176(a), (b)	Infraction

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-158(c) (5)	When required to stop, (1) failing to stop at the appropriate marked line, (2) if no line, failing to stop before marked crosswalk, (3) if no crosswalk, failing to stop before proceeding past the signal device.	20-176(a), (b)	Infraction
Failure to Yield at Yield Signs			
20-158.1	Failure to yield at intersections where yield signs have been erected.	20-176(a), (b)	Infraction
Driving through Safety Zones or on Sidewalks			
20-160	Driving through or over a safety zone or driving on a sidewalk (except upon a driveway).	20-176(a), (b)	Infraction
Stopping on Highway			
20-161(a)	Outside of the city limits, parking or leaving a vehicle (attended or unattended) on the paved or traveled portion of road or bridge (unless vehicle is so disabled that it was impossible to avoid stopping).	20-176(a), (b)	Infraction
20-161(b)	Outside of the city limits, parking or leaving a vehicle on the shoulder of the road (unless the vehicle can be clearly seen 200 feet away and does not obstruct normal traffic).	20-176(a), (b)	Infraction
20-161(c)	Failing to display warning signals on any truck, truck tractor, trailer, or semitrailer in a manner required by the U.S. Department of Transportation and DMV as long as the vehicle is disabled on any portion of the highway.	20-176(a), (b)	Infraction
20-161.1	Parking or leaving a vehicle at night on a road or on a side road entering a highway while shining its bright lights when facing oncoming traffic.	20-176(a), (b)	Infraction
20-162(a)	Parking or leaving a vehicle (attended or unattended) (1) in front of a private driveway, (2) within 15 feet of a fire hydrant, (3) within 15 feet of fire station entrance, (4) or within 25 feet from the intersection of curb lines or if none, then 15 feet of the intersection.	20-176(a), (b)	Infraction
20-162(b)	Parking or leaving a vehicle (attended or unattended) in a public vehicular area, street, highway, or road designated as a fire lane.	20-176(a), (b)	Infraction
20-163	Leaving a vehicle unattended on a highway or public vehicular area without stopping engine, setting the brake, properly parking the vehicle.	20-176(a), (b)	Infraction

Offense Statute	Description of Offense	Punishment Statute	Punishment
Coasting			
20-165	Coasting on a downgrade with the gears or transmission in neutral or clutch disengaged.	20-176(a), (b)	Infraction
Traveling Wrong Way on One-Way Street			
20-165.1	Willfully going wrong way on one-way street designated and marked as such.	20-176(a), (b)	Infraction
Accident Responsibility Laws			
20-166(a)*	Failure to stop by driver who knew or should have known he was involved in accident and that accident caused death or injury to any person. ³⁵	20-166(a)	Class H felony
20-166(b)*	Failure of driver, as set forth in G.S. 20-166(a), to give required information and render assistance. ³⁵	20-166(b)	Class 1 misdemeanor
20-166(c)	Failure of driver involved in accident causing property damage or personal injury or death (if driver did not know of injury or death) to stop at scene of accident.	20-166(c)	Class 1 misdemeanor
20-166(c1)	Failure of driver as set forth in G.S. 20-166(c) to give required information.	20-166(c1)	Class 1 misdemeanor
20-166.1(a)	Failure by driver to make required reports, by quickest means, to police if accident involves personal injury, death, or \$500 or more in property damage.	20-166.1(k)	Class 2 misdemeanor
20-166.1(b)	Failure by driver involved in accident to make reports of financial responsibility to DMV if accident resulted in injury, death, or \$500 of damage.	20-166.1(k)	Class 2 misdemeanor
20-166.1(c)	Failure by driver in collision with parked vehicle to make a timely report to owner and DMV.	20-166.1(c)	Class 1 misdemeanor
Transportation of Spent Nuclear Fuel			
20-167.1	Transporting spent nuclear fuel without notifying State Highway Patrol. ³⁶	20-167.1(d)	Class 3 misdemeanor

* Pursuant to G.S. 20-24(a), the court must require the driver convicted of this offense to surrender his or her driver's license to the court; and the clerk must mail the license to the DMV within 30 days of the date of conviction.

35. G.S. 20-17(4) (in Art. 2) requires the DMV to revoke the license of anyone convicted of failure to stop and render aid in violation of G.S. 20-166(a) or (b). G.S. 20-19(f) (in Art. 2) provides that when a license is revoked under any other provision of this article which does not specifically provide a period of revocation, the period of revocation shall be 1 year.

36. Punished only by a fine of not less than \$500.

Offense Statute	Description of Offense	Punishment Statute	Punishment
Violations at Pedestrian Crosswalks			
20-173(a)	Where traffic control signals are not in operation, failure to yield to pedestrians at a marked crosswalk or at an unmarked crosswalk near an intersection (subject to Part 11 of Art. 3, Ch. 20).	20-176(a), (b)	Infraction
20-173(b)	Passing a vehicle stopped at a pedestrian crosswalk.	20-176(a), (b)	Infraction
20-173(c)	When entering highway from private road or driveway, failure to yield to pedestrians or bicyclists on sidewalk.	20-176(a), (b)	Infraction
Standing, Sitting, or Lying in Street			
20-174.1	Willfully standing, sitting, or lying on a highway in such a manner as to impede traffic. ^{37, 38}	20-174.1(b)	Class 2 misdemeanor
Soliciting Rides, Employment, or Business on Highways			
20-175(a)	Standing in any portion of a state highway for purpose of soliciting a ride from a driver (except upon the shoulders of the highway).	20-176(a), (b)	Infraction
20-175(b)	Standing or loitering in the main traveled portion, including the shoulders and median, of a state highway or street, or stopping a vehicle for the purpose of soliciting employment, business, or contributions that impedes the movement of traffic (excluding sidewalks and any licensees, employees, or contractors of the D.O.T. or municipality).	20-176(a), (b)	Infraction
Violating Limited Driving Privileges			
20-179.3(j) 20-16.1(b)	Violating conditions of limited driving privilege under DWI or certain speeding laws. ⁵	20-179.3(j) 20-28(a)	Class 1 misdemeanor
Failure to Dim Lights			
20-181	Failure to dim headlights when meeting another vehicle or when following another at a distance of less than 200 feet.	20-181	Up to \$10 penalty

37. Effective on same date as other classified misdemeanors.

38. For other provisions regulating pedestrian's rights and duties, see Part 11 of Article 3 of Chapter 20 (G.S. 20-172 to -175)

Offense Statute	Description of Offense	Punishment Statute	Punishment
Equipment Inspection Laws			
20-183.8(a)	Failing to display a current and valid inspection certificate. ³⁹	20-183.8(a)	Infraction
20-183.8(c)	Forging inspection certificate.	20-183.8(c)	Class I felony
Refusal to Cooperate in Weighing Vehicle			
20-183.11	Refusing to permit the vehicle to be weighed or refusing to drive the vehicle upon the scales at a permanent weighing station.	20-183.11	Class 2 misdemeanor
Passing Stopped School Bus			
20-217(a)	Failure to stop and remain stopped when approaching a stopped school bus engaged in receiving or discharging passengers and while bus has mechanical stop signal (or stop lights) displayed (exceptions listed in statute).	20-217(e)	Class 2 misdemeanor
Bus Driver Rules			
20-217(d)	A school bus driver stopping to receive or discharge passengers where passengers would have to cross a road, highway, or street.	20-217(e)	Class 2 misdemeanor
20-217(d)	A principal or superintendent authorizing a bus driver to stop to receive or discharge passengers where passengers would have to cross a road, highway, or street.	20-217(e)	Class 2 misdemeanor
20-218(b)	Driving a loaded school bus over 45 miles per hour, or driving a school activity bus over 55 miles per hour.	20-218(c)	Class 3 misdemeanor
20-218.2	Driving an activity bus for nonprofit organization for a nonprofit purpose over 55 miles per hour.	20-218.2	Class 3 misdemeanor
Insurance Violations			
20-313(a)	Operating or allowing one's vehicle registered in this state to be operated without the "required financial responsibility."	20-313(a)	Class 1 misdemeanor
20-313.1(a)	Making a false certification concerning financial responsibility.	20-313.1(a)	Class 1 misdemeanor

³⁹. Penalty of no more than \$50.

Offense Statute	Description of Offense	Punishment Statute	Punishment
20-313.1(b)	Giving false information to the DMV concerning another's financial responsibility, knowing or having reason to believe that such information is false.	20-313.1(b)	Class 1 misdemeanor

Index to Punishment Chart for North Carolina Motor Vehicle Offenses

Major offenses are listed in alphabetical order, showing section number of each.

-
- | | |
|--|--|
| <p>Accident responsibility laws
 hit-and-run, death or injury, 20-166(a)
 hit-and-run, property damage, 20-166(c)
 report of accident, 20-166.1</p> <p>Bus driver rules
 discharge of passengers, 20-217(d)
 speed limits, 20-218, 20-218.2</p> <p>Car theft and related offenses
 altered serial number, 20-108, 20-109
 removing vehicle parts, 20-107
 stolen vehicles, 20-106</p> <p>Commercial licenses
 driving without a commercial license,
 20-37.12(a)
 failure to report traffic conviction, 20-37.18
 more than one license, 20-37.19(b) (2)</p> <p>Dealer plates, 20-79</p> <p>Dim lights, 20-181</p> <p>Driver's license violations
 age limits, 20-10, 20-10.1
 driving without license (NOL) or violating
 restrictions, 20-7, 20-29.1
 illegal activity relating to license, 20-29, 20-29.1,
 20-30 through -32, 20-34
 learner's permit, 20-11, 20-12.1
 no operator's license, 20-7(a)
 parking privileges for handicapped drivers,
 20-37.6
 special I.D. card, 20-37.7
 suspended or revoked license, 20-16.1 (b), 20-28</p> <p>Equipment violations
 brakes, 20-124
 child restraint systems, 20-137.1
 horns and warning devices, 20-125
 lights, 20-129, 20-129.1, 20-130.1, 20-130.3,
 20-134</p> | <p>mirrors, 20-126
 muffler, 20-128
 seat belts, 20-135.2A, 20-135.2B
 selling unapproved brake fluid or lining,
 20-124 (h)
 smoke screens, 20-136
 speedometer, 20-123.2
 steering mechanism, 20-123.1
 tires, 20-122.1
 windshields, 20-127</p> <p>Inspection laws, 20-183.8(a), 20-183.8(c)
 Insurance violations, 20-313(a), 20-313.1</p> <p>Limited driving privileges, 20-179.3, 20-16.1</p> <p>Nuclear fuel, 20-167.1</p> <p>Pedestrian crosswalks, 20-173
 Perjury, 20-112
 Police or fire directions, 20-114</p> <p>Rules of the road violations
 coasting, 20-165
 controlled-access highways, 20-140.3
 death by vehicle, 20-141.4
 dim lights, 20-181
 driving while impaired (DWI), 20-12.1, 20-138.1,
 20-138.2, 20-138.3, 20-138.5
 fire apparatus, 20-157
 following too closely, 20-152
 motorcycles and mopeds, 20-140.4, 20-146.1
 parking, 20-161, 20-161.1, 20-162, 20-163
 passing, 20-149 through -151
 passing stopped school bus, 20-217
 racing, 20-141.3
 railroad grade crossings, 20-142.1 through
 -142.5
 reckless driving, 20-140
 right of way, 20-155 through -157(a)</p> |
|--|--|
-

Rules of the road violations (*continued*)

- safety zones or sidewalks, 20-160
- school zones, 20-141.1
- speeding, 20-141
- stop signs and red lights, 20-158
- turning, 20-153, 20-154
- wrong side of road or improper lane, 20-146 through -148
- wrong way on one-way street, 20-165.1
- yield signs, 20-158.1

Salvage titles, 20-71.4

Soliciting rides, employment, or business on highways, 20-175

Standing, sitting, or lying in street, 20-174.1

Stopped school bus, 20-217

Transfer of title or interest, 20-72 through -74

Vehicle registration

- altered or forged title, 20-71

- altered plate, 20-63

- no registration or plate, 20-50, 20-111

Weighing vehicle, 20-183.11

About the Authors

A specialist in several areas of North Carolina law, **Ben F. Loeb, Jr.**, has been a member of the Institute of Government faculty since 1964. His principal interests include criminal law, motor vehicle law, fire protection law, alcoholic beverage control law, animal control law, wildlife protection law, and eminent domain.

A member of the Institute of Government faculty since 1991, **John Rubin** specializes in criminal law and procedure, public defender training, and community penalties.

Julian A. Barnes and **A. Britt Canady** are third-year students at The University of North Carolina at Chapel Hill School of Law.

Other publications related to criminal and motor vehicle law include

Law of Sentencing, Probation, and Parole in North Carolina

1991 Edition with 1993 & 1994 Supplements
Stevens H. Clarke

[LSPP] ISBN 1-56011-227-1

\$27.50 plus 6% tax for North Carolina residents.

Arrest, Search, and Investigation in North Carolina

Second Edition
Robert L. Farb. 1993

Paperback [93.06pb] ISBN 1-56011-221-2
\$15.00 plus 6% tax for North Carolina residents.

Limited-edition hardback [93.06hb]
ISBN 1-56011-222-0

\$25.00 plus 6% tax for North Carolina residents.

North Carolina Crimes: A Guidebook on the Elements of Crime

1985 Edition with 1989 Cumulative Supplement

Robert L. Farb and Benjamin B. Sendor

[CRIM] ISBN 1-56011-111-9

\$15.00 plus 6% tax for North Carolina residents.

Motor Vehicle Law of North Carolina

1990 Edition

Ben F. Loeb, Jr., and James C. Drennan

[90.06] ISBN 1-56011-103-8

\$8.50 plus 6% tax for North Carolina residents.

For more information on these and other publications, call the Institute of Government Publications Sales Office at (919) 966-4119.