

2016 Supplement to 2015 Punishment Chart for North Carolina Crimes and Motor Vehicle Offenses

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Note: Offenses created or changes in punishment to existing offenses made by the 2016 Session of the North Carolina General Assembly, effective on the dates provided in the footnotes below.

Statute	Description of Offense	Punishment
5A-11(a), -12(a)	Criminal contempt, generally	Censure, imprisonment up to 30 days, fine up to \$500, or combination thereof ¹
14-27.23	Statutory rape of child by adult	Class B1 felony ²
14-27.28	Statutory sexual offense with child by adult	Class B1 felony ³
14-159.12(f)	First-degree trespass when reentry after removal by valid order or writ for possession	Class I felony; mandatory fine of at least \$1,000 ⁴
14-159.12(f)	First-degree trespass under color of title created with false evidence of ownership or possession	Class I felony; mandatory fine of at least \$1,000 ⁵
14-309.14(5)	Operating beach bingo without a license	Class 2 misdemeanor ⁶
14-309.14(5)	Providing false information in application for beach bingo license	Class 2 misdemeanor ⁷
14-321.2(a), (c)	Unlawful transfer of custody of minor child	Class A1 misdemeanor ⁸
14-321.2(a), (d)	Unlawful transfer of custody of minor child resulting in serious injury to child	Class G felony ⁹

1. Footnote 1 in the *2015 Punishment Chart* is modified by adding the following: The court ruled in *State v. Burrow*, ___ N.C. App. ___, 789 S.E.2d 923 (2016), that sentences for multiple criminal contempt findings may run consecutively. For a discussion of this ruling and its possible limitations, see Jamie Markham, *Consecutive Sentences for Criminal Contempt*, N.C. CRIM. L. BLOG (Aug. 11, 2016).

2. Footnote 37 in the *2015 Punishment Chart* is modified as follows: The court in *State v. Singletary*, ___ N.C. App. ___, 786 S.E.2d 712 (2016), ruled unconstitutional a provision that allows a judge, instead of a jury, to find “egregious aggravation” that would authorize a sentence of up to life imprisonment without parole.

3. Footnote 48 in the *2015 Punishment Chart* is modified as follows: The court in *State v. Singletary*, ___ N.C. App. ___, 786 S.E.2d 712 (2016), ruled unconstitutional a provision that allows a judge, instead of a jury, to find “egregious aggravation” that would authorize a sentence of up to life imprisonment without parole.

4. This new offense was enacted by S.L. 2016-26 and is effective for offenses committed on or after December 1, 2016.

5. *Id.*

6. This new offense was enacted by S.L. 2016-27 and is effective for offenses committed on or after December 1, 2016.

7. *Id.*

8. This new offense was enacted by S.L. 2016-115 and is effective for offenses committed on or after December 1, 2016.

9. *Id.*

Statute	Description of Offense	Punishment
20-129(e), -115, -176(a), -176(b)	Absence of rear reflex mirror when bicycle operated at night	Infraction ¹⁰
20-129(e), -115, -176(a), -176(b)	Absence of lighted front lamp when bicycle operated at night	Infraction ¹¹
20-129(e), -115, -176(a), -176(b)	Absence of lighted rear lamp or cyclist not wearing reflective vest when bicycle operated at night	Infraction ¹²
20-154(a1)	Violation of 20-154(a) that causes motorcycle or bicycle operator to change or leave travel lanes	Infraction with fine of not less than \$200 ¹³
20-154(a1)	Violation of 20-154(a) that results in crash causing property damage or personal injury to motorcycle or bicycle operator or passenger	Infraction with fine of not less than \$500 ¹⁴
20-154(a2)	Violation of 20-154(a) that results in crash causing property damage in excess of \$5,000 or serious bodily injury to motorcycle or bicycle operator or passenger	Infraction with fine of not less than \$750 ¹⁵
75A-10.3(a)	Death by impaired boating	Class D felony ¹⁶
75A-10.3(b)	Serious injury by impaired boating	Class F felony ¹⁷
75A-10.3(c)	Aggravated serious injury by impaired boating	Class E felony ¹⁸
75A-10.3(d)	Aggravated death by impaired boating	Class D felony ¹⁹
75A-10.3(e)	Repeat death by impaired boating	Class B2 felony ²⁰
106-568.7	Manufacture, deliver, purchase, or possess with intent to manufacture, deliver, purchase, etc., marijuana on property used for hemp production	Class I felony ²¹

10. S.L. 2016-90, effective for offenses committed on or after December 1, 2016, requires a rear reflex mirror, while prior law required a rear reflex mirror *or* a rear lighted lamp.

11. This offense was not changed by S.L. 2016-90, but it is listed here for clarity because other changes were made to G.S. 20-129(e).

12. S.L. 2016-90 added a provision that a bicyclist at night may wear a reflective vest as an alternative to having a lighted rear lamp on the bicycle.

13. S.L. 2016-90, effective for offenses committed on or after October 1, 2016, made this offense applicable to violations of G.S. 20-154 that affect bicycle operators.

14. *Id.*

15. *Id.*

16. This new offense was enacted by S.L. 2016-34 and is effective for offenses committed on or after December 1, 2016.

G.S. 75A-10.3(f)(2) provides that notwithstanding G.S. 15A-1340.17, intermediate punishment is authorized for a defendant who is a Prior Record Level I offender.

17. This new offense was enacted by S.L. 2016-34 and is effective for offenses committed on or after December 1, 2016.

18. *Id.*

19. This new offense was enacted by S.L. 2016-34 and is effective for offenses committed on or after December 1, 2016.

G.S. 75A-10.3(f)(1a) provides that notwithstanding G.S. 15A-1340.17, the court must sentence the defendant in the aggravated range of the appropriate Prior Record Level.

20. This new offense was enacted by S.L. 2016-34 and is effective for offenses committed on or after December 1, 2016.

21. This new offense was enacted by S.L. 2016-34 and is effective for offenses committed on or after December 1, 2016. The punishment may be imposed in addition to any other punishments authorized by other offenses.