

# **2013 Punishment Chart for North Carolina Crimes and Motor Vehicle Offenses**

**ROBERT L. FARB**



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# Note on This Publication and Other School of Government Sentencing Law Resources

This publication replaces the 2005 edition entitled PUNISHMENTS FOR NORTH CAROLINA CRIMES AND MOTOR VEHICLE OFFENSES, by John Rubin, Ben F. Loeb Jr., and James C. Drennan, and its 2008 supplement, by John Rubin and Shea Riggsbee Denning. It is current through legislation enacted during the 2013 session of the North Carolina General Assembly.

When the punishment for an offense listed in this publication is set out in another statute, that statutory citation is listed after the statutory citation for the offense. Pertinent changes in statutory offenses made in the 2011 through 2013 legislative sessions are located in the footnotes. For changes that may have occurred before then, the reader needs to check prior punishment charts or the general statute's history and editor's notes. Session laws are available on the North Carolina General Assembly's website, [www.ncleg.net/](http://www.ncleg.net/) (click on "Session Laws" under "Shortcuts" on the right side of the web page).

All Class A through E felonies are covered under the Crime Victims' Rights Act (CVRA) (G.S. 15A-830 through -841). The footnotes only specify other crimes (that is, certain Class F through I felonies and misdemeanors) also included under the CVRA. For a complete list of CVRA crimes, see Appendix A.

The footnotes will not necessarily include all offenses for which a conviction requires registration as a sex offender because, for example, an attempt, conspiracy, or solicitation to commit an offense may be covered. For a complete list of the offenses and additional information about them, see Appendix B.

The footnotes set out the driver's license revocations associated with particular offenses. For a complete list of these offenses and additional information about them, see Appendix C.

See G.S. 20-16 for the Division of Motor Vehicles' driver's license point system for motor vehicle offenses. For information about insurance points for motor vehicle offenses, see Shea Riggsbee Denning, *Insurance Points: Yet Another Cost of Traffic Convictions*, NORTH CAROLINA CRIMINAL LAW BLOG (UNC School of Government, November 5, 2012), <http://nccriminallaw.sog.unc.edu/?p=3954>.

The Administrative Office of the Courts' lists of mandatory and waivable court appearances for (1) traffic offenses, (2) alcohol beverage control (ABC) offenses, (3) hunting, fishing, and boating offenses, (4) marine fisheries offenses, and (5) parks and recreation offenses are available at [www.nccourts.org/Courts/Trial/Costs/CurrentW.asp](http://www.nccourts.org/Courts/Trial/Costs/CurrentW.asp).

This publication, unlike the 2005 edition, does not discuss sentencing laws or reproduce various sentencing charts. This information is included in two School of Government publications:

- NORTH CAROLINA STRUCTURED SENTENCING HANDBOOK WITH FELONY AND MISDEMEANOR SENTENCING GRIDS, 2013–2014 (2013), by James M. Markham, which comprehensively covers felony and misdemeanor sentencing with text, charts, tables, and grids.

- NORTH CAROLINA CRIMES: A GUIDEBOOK ON THE ELEMENTS OF CRIMES (7th ed. 2012), and its annual supplement, both by Jessica Smith, which contain textual discussions of structured sentencing along with tables and AOC forms.

Other School of Government resources on sentencing law issues include:

- RELIEF FROM A CRIMINAL CONVICTION: A DIGITAL GUIDE TO EXPUNCTIONS, CERTIFICATES OF RELIEF, AND OTHER PROCEDURES IN NORTH CAROLINA, by John Rubin, [www.sog.unc.edu/node/2588](http://www.sog.unc.edu/node/2588), which covers the various forms of relief from a North Carolina conviction.
- COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/>. Included within this assessment tool is *Sex Offender Registration Requirements*, <http://ccat.sog.unc.edu/node/2269>, which contains the following papers:

*Consequences of Conviction of Offenses Subject to Sex Offender Registration*, by John Rubin.

*Petitions to Terminate Sex Offender Registration*, by James M. Markham.

*Sex Offender Registration and Monitoring Flow Chart*, by James M. Markham.

- NORTH CAROLINA CRIMINAL LAW BLOG, <http://nccriminallaw.sog.unc.edu/>, edited by Jeffrey B. Welty, which often publishes blog posts on sentencing issues.
- CRIMINAL CASE COMPENDIUM, [www.sog.unc.edu/node/1171](http://www.sog.unc.edu/node/1171), by Jessica Smith, which publishes recent case summaries on criminal law issues, including sentencing cases.
- CRIMINAL LAW LISTSERV, [www.sog.unc.edu/crimlawlistserv](http://www.sog.unc.edu/crimlawlistserv), which emails summaries by Jessica Smith of new criminal cases shortly after they are decided by North Carolina appellate courts and the United States Supreme Court and summaries by Robert Farb and John Rubin of new legislation shortly after it is enacted by the North Carolina General Assembly.

Two new publications are forthcoming in 2014:

- THE LAW OF IMPAIRED DRIVING AND RELATED IMPLIED-CONSENT OFFENSES IN NORTH CAROLINA, by Shea Riggsbee Denning.
- SENTENCING AND CORRECTIONS IN NORTH CAROLINA, by James M. Markham and Robert L. Farb.

I thank School of Government faculty members Shea Denning, Jamie Markham, and John Rubin for their contributions to the preparation of this publication. I welcome comments about this publication's scope, organization, or content. Comments may be sent to me at [farb@sog.unc.edu](mailto:farb@sog.unc.edu).

Robert L. Farb  
Chapel Hill  
May 2014

# 2013 Punishment Chart for North Carolina Crimes and Motor Vehicle Offenses

Statute	Description of Offense	Punishment
<b>Chapter 5A: Contempt<sup>1</sup></b>		
5A-11(a), -12(a)	Criminal contempt, generally	Censure, imprisonment up to 30 days, fine up to \$500, or combination thereof <sup>2</sup>
5A-11(a)(8), -12(a)(1)	Criminal contempt by willful refusal to testify after being granted immunity	Censure, imprisonment up to six months, fine up to \$500, or combination thereof
5A-11(a)(9a), -12(a)	Criminal contempt by willful refusal to comply with condition of probation	Censure, imprisonment up to 30 days, fine up to \$500, or combination thereof
5A-11(a)(9b), -12(a)	Criminal contempt by willful refusal to accept or to comply with post-release supervision by defendant subject to sex offender registration requirements	Censure, imprisonment up to 30 days, fine up to \$500, or combination thereof <sup>3</sup>
5A-12(a)(2)	Criminal contempt by failure to comply with nontestimonial identification order	Censure, imprisonment up to 90 days, fine up to \$500, or combination thereof
5A-12(a)(3)	Criminal contempt by failure to comply with order to pay child support	Censure, imprisonment up to 30 days, fine up to \$500, or combination thereof <sup>4</sup>

1. Although criminal contempt is characterized as a crime, an adjudication of criminal contempt that is punishable by a maximum of 30 days' imprisonment does not constitute a prior conviction for purposes of structured sentencing. *See State v. Reaves*, 142 N.C. App. 629 (2001) (court so holds but declines to decide whether adjudication of criminal contempt with greater maximum punishment constitutes prior conviction).

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(a)(5) or to jury tampering under G.S. 5A-11(a)(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 contemnor and the ends of justice." G.S. 5A-12(d) states that a person may not be held in both criminal and civil contempt for the same conduct.

3. A revoked probationer is entitled to credit for time served for contempt under G.S. 15A-1344(e1) and G.S. 15-196.1. *State v. Belcher*, 173 N.C. App. 620 (2005). G.S. 15A-1368.2(b) provides, however, that a defendant punished for criminal contempt for refusing post-release supervision is not eligible for credit for time served.

4. G.S. 5A-12(a)(3) authorizes imprisonment up to 120 days for a single act of criminal contempt resulting from the failure to pay child support, provided the sentence is suspended for conditions reasonably related to the contemnor's payment of child support.

Statute	Description of Offense	Punishment
<b>Chapter 7B: Juvenile Code</b>		
7B-301(b)	Failing to report abuse, neglect, dependency, or death due to maltreatment of juvenile as required by 7B-301(a) or preventing another from making report	Class 1 misdemeanor <sup>5</sup>
7B-301(c)	Director of social services receives report of sexual abuse of juvenile in child care facility and fails to notify State Bureau of Investigation of report as required by 7B-301(a)	Class 1 misdemeanor <sup>6</sup>

## Chapter 14: Criminal Law

All Class A through E felonies under Chapter 14 and all other chapters of the General Statutes are covered under the Crime Victims' Rights Act (CVRA) (G.S. 15A-830 through -841). This chart specifically notes only the other crimes (that is, certain non-Class A through E felonies and misdemeanors) also included under the CVRA. For a complete list of crimes subject to the CVRA, see Appendix A.

Footnotes to Chapter 14 offenses will not necessarily state whether a conviction requires registration as a sex offender because, for example, an attempt, conspiracy, or solicitation to commit an offense may be covered. For a complete list of the offenses and additional information about them, see Appendix B.

Footnotes to Chapter 14, Chapter 20, and other chapters in this chart set out the driver's license revocations associated with particular offenses. For a complete list of these offenses and additional information about them, see Appendix C.

## Article 1: Felonies and Misdemeanors<sup>7</sup>

14-2.4(a)	Conspiracy to commit felony	Unless different classification stated, punishable one class lower than felony defendant conspired to commit <sup>8</sup>
14-2.4(b)	Conspiracy to commit misdemeanor	Unless different classification stated, punishable one class lower than misdemeanor defendant conspired to commit <sup>9</sup>

5. G.S. 7B-301(b) was enacted by S. L. 2013-52 and is effective for offenses committed on or after December 1, 2013. Before the enactment of this statutory subsection, there was no specific criminal punishment for failing to make the report required by G.S. 7B-301(a).

6. G.S. 7B-301(c) was enacted by S.L. 2013-52 and is effective for offenses committed on or after December 1, 2013. Before the enactment of this statutory subsection, there was no specific criminal punishment for failing to make the report required by G.S. 7B-301(a).

7. Property acquired as a result of a felony other than a nonwillful homicide is subject to forfeiture as provided in G.S. 14-2.3.

8. 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. See G.S. 14-2.4(a).

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

Statute	Description of Offense	Punishment
14-2.5	Attempt to commit felony or misdemeanor	Unless different classification stated, punishable one class lower than offense attempted <sup>10</sup>
14-2.6(a)	Solicitation to commit felony	Unless different classification stated, punishable two classes lower than felony solicited <sup>11</sup>
14-2.6(b)	Solicitation to commit misdemeanor	Unless different classification stated, punishable as Class 3 misdemeanor <sup>12</sup>
14-3(a)	Misdemeanors without a specific classification and punishment	Class 1 misdemeanor <sup>13</sup>
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 <sup>14</sup>
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 punishable as Class 1 misdemeanor; Class A1 or 1 misdemeanor committed for proscribed reason punishable as Class H felony
14-4(a)	Violation of local ordinance, except those in 14-4(b)	Class 3 misdemeanor <sup>15</sup>
14-4(b)	Violation of local ordinance regulating operation or parking of vehicles	Infraction with maximum \$50 penalty

10. 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. *See* G.S. 14-2.5.

11. 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. *See* G.S. 14-2.6(a).

12. Although G.S. 14-2.6 establishes the punishment for soliciting another to commit a misdemeanor, North Carolina law may only recognize as a criminal offense solicitation to commit certain misdemeanors. See the discussion in JESSICA SMITH, NORTH CAROLINA CRIMES: A GUIDEBOOK ON THE ELEMENTS OF CRIME 70–71 (UNC School of Government, 7th ed. 2012).

13. Misdemeanors with specific punishments but without specific classifications are classified as follows: (1) as Class 1 misdemeanors if punishable by more than six months' imprisonment; (2) as Class 2 misdemeanors if punishable by more than 30 days but not more than six months' imprisonment; and (3) as Class 3 misdemeanors if punishable by imprisonment of 30 days or less or by a fine only. *See* G.S. 14-3(a).

14. A misdemeanor may not be elevated to a felony under this statute unless the indictment specifically alleges that the offense was infamous, done in secrecy or malice, or done with deceit and intent to defraud. For additional information about G.S. 14-3(b), see the discussion under "Special Provisions" in Chapter 4 (Punishment under Structured Sentencing) of NORTH CAROLINA CRIMES and its current supplement.

15. G.S. 14-4(a) allows a fine of up to \$500 for a violation if the ordinance so provides. If the ordinance does not expressly provide for a fine greater than \$50, the fine may not exceed \$50.

Statute	Description of Offense	Punishment
<b>Article 2: Principals and Accessories</b>		
14-5.2	Accessory before the fact to felony	Punishable as principal <sup>16</sup>
14-7	Accessory after the fact to felony	Unless different classification stated, punishable two classes lower than felony committed by principal <sup>17</sup>
<b>Article 2A: Habitual Felons</b>		
14-7.1 through -7.6	Habitual felon	Punishable four classes higher than felony for which person was convicted <sup>18</sup>
<b>Article 2B: Violent Habitual Felons</b>		
14-7.7 through -7.12	Violent habitual felon	Life imprisonment without parole <sup>19</sup>

16. 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, defendants 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 the conviction is based solely on the uncorroborated testimony of one or more principals, co-conspirators, or accessories to the crime, the defendant is guilty of 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 defendant who might otherwise be an accessory before the fact to a capital offense. *See Tison v. Arizona*, 481 U.S. 137 (1987); *Enmund v. Florida*, 458 U.S. 782 (1982); N.C. Pattern Jury Instruction 150.10.

This distinction is not made between principals and accessories before the fact concerning misdemeanors. Unless otherwise provided, defendants who participate in misdemeanors “are indictable and punishable as principals.” *State v. Bennett*, 237 N.C. 749, 752 (1953).

17. Unless a different classification is stated, accessory after the fact to a Class A or B1 felony is a Class C felony, accessory after the fact to a Class B2 felony is a Class D felony, accessory after the fact to a Class H felony is a Class 1 misdemeanor, and accessory after the fact to a Class I felony is a Class 2 misdemeanor. *See G.S. 14-7.*

A participant in a crime cannot be an accessory after the fact to that crime. *See State v. McIntosh*, 260 N.C. 749 (1963). In the absence of a statute providing otherwise, a person apparently may not be convicted of being an accessory after the fact to a misdemeanor.

18. 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 after having been convicted of three prior felonies. For principal felonies committed before December 1, 2011, a habitual felon is sentenced as a Class C felon for the underlying felony (except if the conviction was for a Class A, B1, or B2 felony). Effective for principal felonies committed on or after December 1, 2011, the sentence is four classes higher than the underlying felony (except when the conviction is for a Class A, B1, or B2 felony) but never higher than a Class C felony. 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. When two or more offenses are being disposed of in the same proceeding, however, the court is not required to impose consecutive sentences. *State v. Haymond*, 203 N.C. App. 151 (2010).

19. 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 imprisonment without parole, except when the death penalty is imposed. A suspended sentence or probation is not allowed. 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. When two or more offenses are being disposed of in the same proceeding, however, the court is not required to impose consecutive sentences. *Cf. State v. Haymond*, 203 N.C. App. 151 (2010).

Statute	Description of Offense	Punishment
<b>Article 2C: Continuing Criminal Enterprise</b>		
14-7.20(a)	Continuing criminal enterprise	Class H felony <sup>20</sup>
14-7.20(a1)	Continuing criminal enterprise when underlying felony is terrorism	Class D felony <sup>21</sup>
<b>Article 2D: Habitual Breaking and Entering</b>		
14-7.25 through -7.31	Habitual breaking and entering	Class E felony <sup>22</sup>
<b>Article 2E: Armed Habitual Felon</b>		
14-7.35 through -7.41	Armed habitual felon	Class C felony <sup>23</sup>
<b>Article 3A: Terrorism</b>		
14-10.1	Terrorism	Felony one class higher than offense that is underlying act of violence <sup>24</sup>
<b>Article 4A: Prohibited Secret Societies and Activities</b>		
14-12.12(a), -12.15	Placing burning cross on property of another without consent	Class 1 misdemeanor

20. G.S. 14-7.20(b) provides that a person convicted of engaging in a continuing criminal enterprise forfeits to the state his or her profits from and interest in the enterprise.

21. G.S. 14-7.20(a1) applies to offenses committed on or after December 1, 2012. G.S. 14-7.20(b) provides that a person convicted of engaging in a continuing criminal enterprise forfeits to the state his or her profits from and interest in the enterprise.

22. Habitual breaking and entering is a status, not a crime. Legislation enacted in 2011 established this status, effective for a principal felony of “breaking and entering,” as defined in G.S. 14-7.25, that was committed on or after December 1, 2011. A defendant who commits the principal felony after attaining the status is sentenced as a Class E felon. The sentence must run consecutively with and commence at the expiration of any sentence being served by the defendant. A conviction used to establish the status cannot be used to determine the defendant’s prior record level. When two or more offenses are being disposed of in the same proceeding, however, the court is not required to impose consecutive sentences. *Cf. State v. Haymond*, 203 N.C. App. 151 (2010).

23. The status of armed habitual felon was established by S.L. 2013-369 and is effective for a principal offense committed on or after October 1, 2013. Being an armed habitual felon is not a crime. It is a status that subjects the defendant to an enhanced punishment for a conviction of a firearm-related felony as defined in G.S. 14-7.35(2). A defendant is sentenced for the substantive felony as a Class C felon except when the felon has been sentenced as a Class A, B1, or B2 felon. The defendant must receive a minimum term of imprisonment of at least 120 months. The sentence must run consecutively with and commence at the expiration of any sentence being served by the defendant. When two or more offenses are being disposed of in the same proceeding, however, the court is not required to impose consecutive sentences. *Cf. State v. Haymond*, 203 N.C. App. 151 (2010). A suspended sentence or probation is not allowed. A sentence may not also be enhanced under G.S. 15A-1340.16A (enhanced sentence for using firearm or deadly weapon during felony). Any conviction used to establish a defendant’s status as an armed habitual felon may not be used to establish the defendant’s prior record level.

24. G.S. 14-10.1 is effective for offenses committed on or after December 1, 2012. If the underlying act of violence is a Class A or B1 felony, then a violation of this statute is a Class B1 felony.

Statute	Description of Offense	Punishment
14-12.12(b), -12.15	Placing burning cross on property of another or on public street, highway, or place with intent to intimidate, prevent lawful act, or cause unlawful act	Class H felony
14-12.13, -12.15	Placing exhibit in any location with intent to intimidate, prevent lawful act, or cause unlawful act	Class H felony
14-12.14, -12.15	Wearing mask, hood, or other disguise while placing exhibit in any location with intent to intimidate, prevent lawful act, or cause unlawful act	Class H felony

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### Article 5: Counterfeiting and Issuing Monetary Substitutes

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14-13	Counterfeiting coin or uttering counterfeit coin	Class I felony
14-14	Possession of tools for counterfeiting coin	Class I felony

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### Article 5A: Endangering Executive, Legislative, and Court Officers

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14-16.6(a)	Assault on officer or attack on officer's residence, office, or means of transport	Class I felony
14-16.6(b)	Violation of 14-16.6(a) with deadly weapon	Class F felony <sup>25</sup>
14-16.6(c)	Violation of 14-16.6(a) inflicting serious bodily injury	Class F felony <sup>26</sup>
14-16.7(a)	Threatening to inflict serious bodily injury or kill executive, legislative, or court officer	Class I felony
14-16.7(b)	Depositing in mail threat to inflict serious bodily injury or kill executive, legislative, or court officer	Class I felony

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### Article 6: Homicide

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14-17(a)	First-degree murder	Class A felony <sup>27</sup>
14-17(b)	Second-degree murder <sup>28</sup>	Class B1 felony, except as provided below
	Based on recklessness as described in 14-17(b)(1)	Class B2 felony

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25. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

26. See note 25.

27. A Class A felony is punishable by death or life imprisonment for a defendant who was 18 years old or older when he or she committed first-degree murder. The death penalty is not authorized for a defendant who was under 18 years old when he or she committed first-degree murder. Instead, the punishment is life imprisonment with or without parole pursuant to the procedures set forth in G.S. 15A-1340.19A through -1340.19D.

28. G.S. 14-17(b) is effective for offenses committed on or after December 1, 2012. Second-degree murder is a Class B1 felony, except it is a Class B2 felony if it was based on recklessness (*see* G.S. 14-17(b)(1)) or proximately caused by the unlawful distribution of opium, cocaine, methamphetamine, or other specified substance (*see* G.S. 14-17(b)(2)). For an offense committed before December 1, 2012, second-degree murder is punished as a Class B2 felony under G.S. 14-17 as it then existed.



Statute	Description of Offense	Punishment
	Proximately caused by unlawful distribution of opium, cocaine, methamphetamine, or other specified substance as described in 14-17(b)(2)	Class B2 felony
14-18	Voluntary manslaughter	Class D felony
14-18	Involuntary manslaughter	Class F felony <sup>29</sup>
<b>Article 6A: Unborn Victims</b> <sup>30</sup>		
14-23.2(a)(1), -23(a)(2)	Malicious act or committing felony in 14-17 that causes death of unborn child	Class A felony, but sentence must be life imprisonment without parole
14-23.2(a)(3)	Inherently dangerous or reckless act causing death of unborn child	Punished same as second-degree murder under 14-17
14-23.3	Voluntary manslaughter of unborn child	Class D felony
14.23.4	Involuntary manslaughter of unborn child	Class F felony
14-23.5	Assault inflicting serious bodily injury on unborn child	Class F felony
<b>Article 7A: Rape and Other Sex Offenses</b> <sup>31</sup>		
14-27.2	First-degree rape	Class B1 felony <sup>32</sup>
14-27.2A	Rape of child under 13 by adult offender	Class B1 felony <sup>33</sup>

29. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841). A conviction of this offense when based on impaired driving results in a permanent driver's license revocation under G.S. 20-17(a)(1), and the defendant must surrender his or her license to the court as required by G.S. 20-24(a).

30. Article 6A is effective for offenses committed on and after December 1, 2011.

31. Many of the offenses in this article are subject to sex offender registration. A person with a "reportable conviction" is subject to the sex offender registration requirements in Chapter 14, Article 27A. See the definitions of "reportable conviction" and "sexually violent offense" in G.S. 14-208.6. For a list of crimes requiring sex offender registration and the commission, conviction, and prison release dates triggering registration, see Appendix B. The appendix also discusses when convictions of attempt, conspiracy, solicitation, and aiding and abetting the commission of a sexually violent offense requires registration. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

32. G.S. 15A-1340.16B provides for life imprisonment without parole for a Class B1 felony if it was committed against a person 13 or younger, the defendant has at least one prior conviction for a Class B1 felony, and there are no mitigating factors. An indictment alleging these factors is required. If one or more of these conditions is not met, the court must sentence the defendant according to the regular structured sentencing rules. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses.

33. G.S. 15A-1340.16B provides for life imprisonment without parole for a Class B1 felony if it was committed against a person 13 or younger, the defendant has at least one prior conviction for a Class B1 felony, and there are no mitigating factors. An indictment alleging these factors is required. If one or more of these conditions is not met, the court must sentence the defendant according to the regular structured sentencing rules. A person convicted under G.S. 14-27.2A must be sentenced to an active term of imprisonment of at least 300 months. If the court finds "egregious aggravation," it may sentence the defendant to life in prison without parole. A court finding under these circumstances, instead of a finding by a jury, is almost certainly unconstitutional under United States Supreme Court rulings. See Jamie Markham, *Sentencing Rules for Rape and Sexual Offense Against a Child by an Adult Offender*, N.C. CRIM. L. BLOG (UNC School of Government, November 27, 2012), <http://nccriminallaw.sog.unc.edu/?p=3981>. When released from prison, the defendant must submit to satellite monitoring for life. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses.

Statute	Description of Offense	Punishment
14-27.3	Second-degree rape	Class C felony <sup>34</sup>
14-27.4	First-degree sexual offense	Class B1 felony <sup>35</sup>
14-27.4A	Sexual offense against child under 13 by adult offender	Class B1 felony <sup>36</sup>
14-27.5	Second-degree sexual offense	Class C felony <sup>37</sup>
14-27.5A	Sexual battery	Class A1 misdemeanor <sup>38</sup>
14-27.7(a)	Sexual act: <sup>39</sup>	
	By parental substitute with minor	Class E felony
	By custodian with person of any age	Class E felony
14-27.7(b)	Sexual act or intercourse with elementary or secondary school student: <sup>40</sup>	
	By teacher, school administrator, student teacher, school safety officer, or coach	Class G felony
	By other school personnel or volunteer if four or more years older than student	Class G felony
	By other school personnel or volunteer if less than four years older than student	Class A1 misdemeanor

34. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses.

35. G.S. 15A-1340.16B provides for life imprisonment without parole for a Class B1 felony if it was committed against a person 13 or younger, the defendant has at least one prior conviction for a Class B1 felony, and there are no mitigating factors. An indictment alleging these factors is required. If one or more of these conditions is not met, the court must sentence the defendant according to the regular structured sentencing rules. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses.

36. G.S. 15A-1340.16B provides for life imprisonment without parole for a Class B1 felony if it was committed against a person 13 or younger, the defendant has at least one prior conviction for a Class B1 felony, and there are no mitigating factors. An indictment alleging these factors is required. If one or more of these conditions is not met, the court must sentence the defendant according to the regular structured sentencing rules. A person convicted under G.S. 14-27.4A must be sentenced to an active term of imprisonment of at least 300 months. If the court finds “egregious aggravation,” it may sentence the defendant to life in prison without parole. A court finding under these circumstances, instead of a finding by a jury, is almost certainly unconstitutional under United States Supreme Court rulings. See Jamie Markham, *Sentencing Rules for Rape and Sexual Offense Against a Child by an Adult Offender*, N.C. CRIM. L. BLOG (UNC School of Government, November 27, 2012), <http://nccriminallaw.sog.unc.edu/?p=3981>. When released from prison, the defendant must submit to satellite monitoring for life. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses.

37. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

38. See note 37.

39. See note 37.

40. See note 37.

Statute	Description of Offense	Punishment
14-27.7A	Statutory rape or statutory sexual offense with person 13, 14, or 15 years old:	
	When defendant is at least six years older than person	Class B1 felony <sup>41</sup>
	When defendant is more than four but less than six years older than person	Class C felony
<b>Article 8: Assaults</b>		
14-28	Malicious castration	Class C felony
14-29	Castration or maiming	Class E felony
14-30	Malicious maiming of tongue or eye	Class C felony
14-30.1	Malicious acid throwing	Class E felony
14-31	Assault and battery in secret manner with deadly weapon with intent to kill	Class E felony <sup>42</sup>
14-32(a)	Assault with deadly weapon with intent to kill, inflicting serious injury	Class C felony <sup>43</sup>
14-32(b)	Assault with deadly weapon, inflicting serious injury	Class E felony <sup>44</sup>
14-32(c)	Assault with deadly weapon with intent to kill	Class E felony <sup>45</sup>
14-32.1(e)(1)	Assault on handicapped person with deadly weapon or other means of force likely to inflict serious injury or damage	Class F felony <sup>46</sup>
14-32.1(e)(2)	Assault on handicapped person inflicting serious injury or damage	Class F felony <sup>47</sup>
14-32.1(e)(3)	Assault on handicapped person with intent to kill	Class F felony <sup>48</sup>
14-32.1(f)	Simple assault on handicapped person	Class A1 misdemeanor
14-32.2(b)(1), -32.2(a)	Patient abuse: intentional conduct resulting in death	Class C felony
14-32.2(b)(2), -32.2(a)	Patient abuse: culpably negligent conduct resulting in death	Class E felony

41. G.S. 15A-1340.16B provides for life imprisonment without parole for a Class B1 felony if it was committed against a person 13 or younger, the defendant has at least one prior conviction for a Class B1 felony, and there are no mitigating factors. An indictment must allege these factors. If one or more of these conditions is not met, the court must sentence the defendant according to the regular structured sentencing rules. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses.

42. If the assault was committed with a motor vehicle, a conviction results in a mandatory one-year DMV driver's license revocation under G.S. 20-17(a)(11). A defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

43. See note 42.

44. See note 42.

45. See note 42.

46. See note 42. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

47. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

48. See note 47.

Statute	Description of Offense	Punishment
14-32.2(b)(3), -32.2(a)	Patient abuse: conduct resulting in serious bodily injury	Class F felony <sup>49</sup>
14-32.2(b)(4), -32.2(a)	Patient abuse: pattern of conduct resulting in bodily injury	Class H felony
14-32.3(a)	Abuse by caretaker of disabled or elder adult residing in domestic setting:	
	Resulting in serious injury	Class F felony <sup>50</sup>
	Resulting in injury	Class H felony <sup>51</sup>
14-32.3(b)	Neglect by caretaker of disabled or elder adult residing in domestic setting:	
	Resulting in serious injury	Class G felony <sup>52</sup>
	Resulting in injury	Class I felony <sup>53</sup>
14-32.4(a)	Assault inflicting serious bodily injury	Class F felony <sup>54</sup>
14.32.4(b)	Assault by strangulation	Class H felony
14-33(a)	Simple assault, simple assault and battery, or simple affray	Class 2 misdemeanor <sup>55</sup>
14-33(b)(9)	Assault and battery on sports official	Class 1 misdemeanor
14-33(c)(1)	Assault:	
	Inflicting serious injury	Class A1 misdemeanor <sup>56</sup>
	With deadly weapon	Class A1 misdemeanor <sup>57</sup>
14-33(c)(2)	Assault on female	Class A1 misdemeanor <sup>58</sup>
14-33(c)(3)	Assault on child under 12	Class A1 misdemeanor
14-33(c)(4)	Assault on government official	Class A1 misdemeanor
14-33(c)(6)	Assault on school employee or volunteer	Class A1 misdemeanor
14-33(c)(7)	Assault on public transit operator	Class A1 misdemeanor
14-33(c)(8)	Assault on company or campus police officer	Class A1 misdemeanor

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49. See note 47.

50. See note 47.

51. See note 47.

52. See note 47.

53. See note 47.

54. See note 47.

55. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841) if the offense is committed between people who have a personal relationship as defined in G.S. 50B-1(b).

56. See note 55.

57. See note 55. If the assault was committed with a motor vehicle, a conviction results in a mandatory one-year DMV driver's license revocation under G.S. 20-17(a)(11). A defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

58. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841) if the offense is committed between people who have a personal relationship as defined in G.S. 50B-1(b).

Statute	Description of Offense	Punishment
14-33(d)	Assault in presence of minor on person with whom defendant has personal relationship. <sup>59</sup>	
	Inflicting serious injury	Class A1 misdemeanor
	With deadly weapon	Class A1 misdemeanor
14-33.2	Habitual misdemeanor assault	Class H felony <sup>60</sup>
14-34	Assault by pointing gun	Class A1 misdemeanor <sup>61</sup>
14-34.1(a)	Discharging or attempting to discharge firearm into occupied property	Class E felony
14-34.1(b)	Discharging or attempting to discharge firearm into occupied dwelling or occupied conveyance in operation	Class D felony
14-34.1(c)	Violation of 14-34.1(a) or (b) resulting in serious bodily injury	Class C felony
14-34.2	Assault with deadly weapon on government official or on company or campus police officer	Class F felony <sup>62</sup>
14-34.4(a)	Tampering with food, drugs, or cosmetics with intent to cause serious injury or death	Class C felony
14-34.4(b)	Threatening to tamper with food, drugs, or cosmetics with intent to extort	Class C felony
14-34.5	Assault with firearm on law enforcement, probation, or parole officer or detention facility employee	Class E felony
14-34.6(a)	Assault causing physical injury on firefighter or emergency personnel when not using firearm	Class I felony <sup>63</sup>
14-34.6(b)	Assault on firefighter or emergency personnel inflicting serious bodily injury or with deadly weapon other than firearm	Class H felony <sup>64</sup>

59. If the court sentences a person to a community punishment, the court must place the person on supervised probation in addition to any other punishment; for a second or subsequent violation, the court must sentence the person to an active punishment of no less than 30 days in addition to any other punishment. *See* G.S. 14-33(d).

60. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

61. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841) if the offense is committed between people who have a personal relationship as defined in G.S. 50B-1(b).

62. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841). If the assault was committed with a motor vehicle, a conviction results in a mandatory one-year DMV driver's license revocation under G.S. 20-17(a)(11). A defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

63. The Class I felony applies to offenses committed on or after December 1, 2011. For an offense committed before December 1, 2011, a violation is a Class A1 misdemeanor.

64. Legislation in 2011 (S.L. 2011-356, effective for offenses committed on or after December 1, 2011) increased the punishment for this offense from a Class I to a Class H felony, but the legislature did not correspondingly amend the Crime Victims' Rights Act, specifically G.S. 15A-830(a)(7)e., that listed this offense as a Class I felony. Nonetheless, the offense may be covered under the act because the failure to make the revision to G.S. 15A-830(a)(7)e. may not override the legislative intent to maintain the offense within the Crime Victims' Rights Act. For a statutory construction issue involving legislative intent, see *State v. Crawford*, 167 N.C. App. 777 (2005).

Statute	Description of Offense	Punishment
14-34.6(c)	Assault causing physical injury on firefighter or emergency personnel when using firearm	Class F felony <sup>65</sup>
14-34.7(a)	Assault inflicting serious bodily injury or serious injury on law enforcement, probation, or parole officer	Class F felony
14-34.7(b)	Assault inflicting serious bodily injury or serious injury on detention facility employee	Class F felony
14-34.7(c)(1)	Assault inflicting physical injury on law enforcement, probation, or parole officer	Class I felony <sup>66</sup>
14-34.7(c)(2)	Assault inflicting physical injury on detention facility employee	Class I felony <sup>67</sup>
14-34.8, -3.1(a)	Pointing laser device at law enforcement officer or at head or face of other person	Infraction
14-34.9	Discharging firearm from enclosure as part of pattern of criminal street gang activity	Class E felony <sup>68</sup>
14-34.10	Discharging firearm within enclosure to incite fear	Class F felony <sup>69</sup>

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### Article 9: Hazing

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14-35	Hazing	Class 2 misdemeanor
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### Article 10: Kidnapping and Abduction<sup>70</sup>

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14-39	Kidnapping: First-degree Second-degree	Class C felony Class E felony
Common law	False imprisonment <sup>71</sup>	Class 1 misdemeanor under 14-3(a)

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65. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

66. The Class I felony applies to offenses committed on or after December 1, 2011.

67. The Class I felony applies to offenses committed on or after December 1, 2011.

68. This statute is not a part of Article 13A of Chapter 14 on gangs, discussed in note 84 *infra*, and a conviction may not be governed by the definitions in that article or subject to the additional consequences provided there.

69. This statute is effective for offenses committed on or after December 1, 2013. *See* S.L. 2013-144.

70. A person with a "reportable conviction" is subject to the sex offender registration requirements in Chapter 14, Article 27A. A reportable conviction includes a conviction of an "offense against a minor," which means a violation of any of the following statutes in Article 10 if the offense is committed against a minor and the defendant is not the minor's parent: G.S. 14-39 (kidnapping); G.S. 14-41 (abduction of minor); G.S. 14-43.3 (felonious restraint). For a list of crimes requiring sex offender registration and the commission or conviction dates triggering registration, see Appendix B. The appendix also discusses when a conviction of attempt, conspiracy, solicitation, or aiding and abetting the commission of an offense against a minor requires registration. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

71. This common law offense is placed here because it is often associated with kidnapping offenses even though it is not a statutory offense.

Statute	Description of Offense	Punishment
14-41	Abduction of minor	Class F felony <sup>72</sup>
14-43.3	Felonious restraint	Class F felony <sup>73</sup>
<b>Article 10A: Human Trafficking</b>		
14-43.11	Human trafficking: <sup>74</sup>	
	Of adult	Class F felony <sup>75</sup>
	Of minor	Class C felony
14-43.12(a), -43.12(b)	Involuntary servitude: <sup>76</sup>	
	Of adult	Class F felony
	Of minor	Class C felony
14-43.12(e)	Failure of party to labor contract to report involuntary servitude <sup>77</sup>	Class 1 misdemeanor
14-43.13	Sexual servitude: <sup>78</sup>	
	Of adult	Class D felony <sup>79</sup>
	Of minor	Class C felony
14-43.14	Unlawful sale, surrender, or purchase of a minor: <sup>80</sup>	
	First offense	Class F felony with minimum \$5,000 fine
	Subsequent offense	Class F felony with minimum \$10,000 fine

72. This offense and an attempt to commit it is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841). See note 70 to determine whether this offense requires sex offender registration.

73. See note 72.

74. G.S. 14-43.20, enacted by S.L. 2013-368 and effective for offenses committed on or after October 1, 2013, provides for mandatory restitution as set out in the statute and subjects the defendant to the property forfeiture provisions in G.S. 14-2.3. This offense requires sex offender registration if it is committed against a minor who is less than 18 years old or is committed against any person with the intent that the person be held in sexual servitude; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses.

75. This offense, and an attempt to commit it, is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

76. G.S. 14-43.20, enacted by S.L. 2013-368 and effective for offenses committed on or after October 1, 2013, provides for mandatory restitution as set out in the statute and subjects the defendant to the property forfeiture provisions in G.S. 14-2.3.

77. See note 76.

78. G.S. 14-43.20, enacted by S.L. 2013-368 and effective for offenses committed on or after October 1, 2013, provides for mandatory restitution as set out in the statute and subjects the defendant to the property forfeiture provisions in G.S. 14-2.3. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses.

79. Sexual servitude of an adult was increased from a Class F to a Class D felony effective for offenses committed on or after October 1, 2013. It remains a Class F felony for offenses committed before October 1, 2013.

80. This statute is effective for offenses committed on or after December 1, 2012. A violation of G.S. 14-43.14 is a lesser-included offense of G.S. 14-43.11, which makes human trafficking of a minor a Class C felony. This offense does not apply to a parent who voluntarily surrenders an infant less than seven days of age. See G.S. 14-322.3. The offense is designated as a "reportable conviction" under G.S. 14-208.6(4)e. and subjects the defendant to sex offender registration requirements only if the court rules under G.S. 14-43.14(e) that the defendant is a danger to the community and that requiring the defendant to register would serve the purposes of Article 27A of Chapter 14. For a list of crimes requiring sex offender registration and the commission or conviction dates triggering registration, see Appendix B. For additional information, see UNC School of

Statute	Description of Offense	Punishment
<b>Article 11: Abortion and Kindred Offenses</b>		
14-44	Using drugs or instruments with intent to cause abortion	Class H felony
14-45	Using drugs or instruments with intent to produce miscarriage or injure pregnant woman	Class I felony
14-46	Concealing birth of child:	
	Concealing	Class I felony
	Aiding or abetting another in concealing	Class 1 misdemeanor
<b>Article 12: Libel and Slander</b>		
14-47	Communicating libelous matter to newspaper	Class 2 misdemeanor
<b>Article 13: Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material</b>		
14-49(a)	Malicious use of explosive or incendiary device to injure another	Class D felony
14-49(b)	Malicious use of explosive to damage property	Class G felony <sup>81</sup>
14-49(b1)	Malicious use of explosive to damage building of worship	Class E felony <sup>82</sup>
14-49(b2)	Malicious use of explosive to damage government building	Class E felony
14-49.1	Malicious use of explosive or incendiary device to damage occupied property	Class D felony
<b>Article 13A: North Carolina Street Gang Suppression Act<sup>83</sup></b>		
14-50.16	Pattern of criminal street gang activity <sup>84</sup>	
	In violation of 14-50.16(a)(1) or (a)(2)	Class H felony
	In violation of 14-50.16(a)(1) by organizer or supervisor	Class F felony
<p>Government, <i>Sex Offender Registration Requirements</i>, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <a href="http://ccat.sog.unc.edu/node/2269">http://ccat.sog.unc.edu/node/2269</a>.</p> <p>81. A conviction of this offense results in a mandatory one-year DMV driver's license revocation under G.S. 20-17(a)(15), and for a driver under 18, G.S. 20-13.2(c2), (d). A defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).</p> <p>82. See note 81.</p> <p>83. G.S. 14-50.29 provides under certain circumstances for discharge, dismissal, and expunction for a first offender who was under the age of 18 when the offense was committed and the offense was a Class H felony under the article or an enhanced offense under G.S. 14-50.22. See John Rubin, RELIEF FROM A CRIMINAL CONVICTION: A DIGITAL GUIDE TO EXPUNCTIONS, CERTIFICATES OF RELIEF, AND OTHER PROCEDURES IN NORTH CAROLINA (UNC School of Government, 2012), <a href="http://www.sog.unc.edu/node/2588">www.sog.unc.edu/node/2588</a>.</p> <p>84. G.S. 14-2.3 provides for the forfeiture of any money or other property acquired in the case of any violation of Article 13A, while G.S. 14-50.23 provides for the forfeiture of the proceeds of criminal street gang activity or a pattern of criminal street gang activity and includes an exception for innocent activities. G.S. 14-50.25 provides that when a defendant is found guilty of an offense other than a violation of G.S. 14-50.16 through -50.20, the judge must determine whether the offense involved criminal</p>		



Statute	Description of Offense	Punishment
14-50.17	Solicitation of person 16 or older to participate in criminal street gang activity	Class H felony <sup>85</sup>
14-50.18	Solicitation of person under 16 to participate in criminal street gang activity	Class F felony <sup>86</sup>
14-50.19	Threatening to injure person or damage property with intent to deter person from assisting another to withdraw from criminal street gang	Class H felony <sup>87</sup>
14-50.20	Threatening to injure person or damage property in retaliation against person for having withdrawn from criminal street gang	Class H felony <sup>88</sup>
14-50.22	Misdemeanor committed by person 15 or older on behalf of criminal street gang	Punishable one class higher than misdemeanor committed <sup>89</sup>

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#### Article 14: Burglary and Other Housebreakings

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14-51, -52	Burglary: First-degree Second-degree	Class D felony Class G felony <sup>90</sup>
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(a1)	Breaking or entering building with intent to terrorize or injure occupant	Class H felony <sup>91</sup>
14-54(b)	Misdemeanor breaking or entering building	Class 1 misdemeanor

street gang activity and, if the judge so finds, indicate that fact on the judgment form; there is no additional punishment prescribed in those circumstances. G.S. 14-50.26 provides that a conviction of an offense defined as criminal gang activity precludes the defendant from contesting any factual matters determined in the criminal proceeding in any subsequent civil action or proceeding based on the same conduct.

Under Article 13B (North Carolina Street Gang Nuisance Abatement Act), effective October 1, 2012, any real property used by a criminal street gang for conducting criminal street gang activity constitutes a public nuisance and is subject to abatement as provided in Article 1 (abatement of nuisances) of Chapter 19. There is an exception for owners or possessors who do not have actual knowledge of the activity and for coerced owners. *See* G.S. 14-50.42. G.S. 14-50.43 provides that a street gang that regularly engages in criminal street gang activities constitutes a public nuisance, and any person who regularly associates with others to engage in such activity may be made a defendant in a nuisance abatement suit. Upon finding a public nuisance, the court may enter an order enjoining the defendant from engaging in criminal street gang activities and may impose other reasonable requirements to prevent future activities. Any order entered expires one year after entry, and the order may be modified or vacated upon motion of any party before that time.

85. See note 84.

86. See note 84.

87. See note 84.

88. See note 84.

89. See note 84. A Class A1 misdemeanor is enhanced to a Class I felony.

90. This offense, and an attempt to commit it, is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

91. The offense of breaking or entering a building to terrorize or injure an occupant was enacted in the 2013 legislative session (S.L. 2013-95) and is effective for offenses committed on or after December 1, 2013.

Statute	Description of Offense	Punishment
14-54.1	Breaking or entering place of worship	Class G felony
14-55	Preparation to commit breaking or entering	Class I felony <sup>92</sup>
14-56	Breaking or entering car, boat, airplane, etc., with intent to commit felony or larceny	Class I felony <sup>93</sup>
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
14-56.4(b), -56.4(d)	Unlawfully possessing motor vehicle master key or other lock-picking device:	
	First offense	Class 1 misdemeanor
	Subsequent offense under 14-56.4	Class I felony
14-56.4(c), -56.4(d)	Unlawfully buying, selling, or transferring motor vehicle master key or other lock-picking device:	
	First offense	Class 1 misdemeanor
	Subsequent offense under 14-56.4	Class I felony
14-57	Burglary with explosive	Class D felony

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### Article 15: Arson and Other Burnings

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14-58	Arson:	
	First-degree	Class D felony <sup>94</sup>
	Second-degree	Class G felony <sup>95</sup>
14-59	Burning public building	Class F felony
14-60	Burning educational building	Class F felony
14-61	Burning bridges, certain buildings	Class F felony

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92. 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 (1965).

93. This offense includes breaking out after committing a felony or larceny. *See G.S. 14-56.*

94. 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 . . ."

95. This offense, and an attempt to commit it, is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

Statute	Description of Offense	Punishment
14-62	Burning uninhabited dwellings, certain other buildings	Class F felony
14-62.1	Burning building under construction	Class H felony
14-62.2	Burning church, chapel, or meetinghouse	Class E 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 building not otherwise covered by statute	Class H felony
14-69.1(a)	Making false report of explosive in or near building or structure	Class H felony <sup>96</sup>
14-69.1(c)	Making false report of explosive in or near public building: <sup>97</sup>	
	First offense	Class H felony <sup>98</sup>
	Subsequent conviction within five years of first conviction	Class G felony <sup>99</sup>
14-69.2(a)	Perpetrating hoax by use of false bomb	Class H felony <sup>100</sup>
14-69.2(c)	Perpetrating hoax by use of false bomb in public building: <sup>101</sup>	
	First offense	Class H felony <sup>102</sup>
	Subsequent conviction within five years of first conviction	Class G felony <sup>103</sup>
14-69.3	Arson or other felony under Ch. 14, Art. 15, resulting in serious bodily injury to firefighter or emergency medical technician	Class E felony

96. The court may order a convicted defendant to pay restitution for disruption of normal activities on the premises.

97. See note 96.

98. A conviction of this offense results in a mandatory DMV driver's license revocation for one year under G.S. 20-17(a)(15), and for a driver under 18, G.S. 20-13.2(c2), (d). A defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

99. See note 98.

100. The court may order a convicted defendant to pay restitution for disruption of normal activities on the premises.

101. See note 100.

102. A conviction of this offense results in a mandatory one-year DMV driver's license revocation under G.S. 20-17(a)(15), and for a driver under 18, G.S. 20-13.2(c2), (d). A defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

103. See note 102.

Statute	Description of Offense	Punishment
<b>Article 16: Larceny<sup>104</sup></b>		
14-70, -72(a)	Larceny: Of goods valued up to \$1,000 Of goods valued over \$1,000	Class 1 misdemeanor Class H felony
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, -54.1, 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
14-70, -72(a), -72(b)(6)	Larceny committed after four previous larceny convictions	Class H felony <sup>105</sup>
14-71(a), -72(a)	Receiving: Stolen goods valued up to \$1,000 Stolen goods valued over \$1,000	Class 1 misdemeanor Class H felony
14-71(a), -72(c)	Receiving: Goods stolen from a person Goods stolen pursuant to burglary or breaking or entering in violation of 14-51, -53, -54, -54.1, or -57 Stolen explosive or incendiary device or substance Stolen firearm Stolen record or paper in custody of State Archives	Class H felony Class H felony Class H felony Class H felony Class H felony
14-71(b)	Receiving or possessing property in custody of law enforcement agency that was represented to be stolen	Class H felony
14-71.1, -72(a)	Possession: Of stolen goods valued up to \$1,000 Of stolen goods valued over \$1,000	Class 1 misdemeanor Class H felony

104. Conveyances used to conceal, convey, or transport property in violation of G.S. 14-71 (receiving stolen goods) or G.S. 14-71.1 (possession of stolen goods), used in violation of G.S. 14-72.7 (chop shop activity), or used in the commission of any larceny when the value of the property taken is more than \$2,000 are subject to forfeiture as provided in G.S. 14-86.1.

105. Effective for offenses committed on or after December 1, 2012.

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, -54.1, 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 <sup>106</sup>
	Second offense within three years of first conviction under 14-72.1	Class 2 misdemeanor <sup>107</sup>
	Third or subsequent offense within five years of two prior convictions under 14-72.1	Class 1 misdemeanor <sup>108</sup>
	Subsequent offense not falling into above two categories	Class 3 misdemeanor <sup>109</sup>
14-72.1(d), -72.1(e)	Switching price tags:	
	First offense	Class 3 misdemeanor <sup>110</sup>
	Second offense within three years of first conviction under 14-72.1	Class 2 misdemeanor <sup>111</sup>
	Third or subsequent offense within five years of two prior convictions under 14-72.1	Class 1 misdemeanor <sup>112</sup>
	Subsequent offense not falling into above two categories	Class 3 misdemeanor <sup>113</sup>
14-72.1(d1), -72.1(a)	Willful concealment of merchandise by lead/aluminum-lined device	Class H felony

106. 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 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.

107. 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.

108. G.S. 14-72.1(e) provides that the term of imprisonment may be suspended only if a condition of special probation is that the defendant serve a term of imprisonment of at least 11 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.

109. See note 106.

110. See note 106.

111. See note 107.

112. See note 108.

113. See note 106.

Statute	Description of Offense	Punishment
14-72.2	Unauthorized use: Of motor vehicle, motorboat, or other motor-propelled conveyance Of aircraft	Class 1 misdemeanor Class H felony
14-72.3	Unauthorized removal of shopping cart from shopping premises	Class 3 misdemeanor
14-72.4	Unauthorized taking or sale of labeled milk crate	Class 2 misdemeanor
14-72.5	Larceny of gasoline valued at less than \$1,000	Class 1 misdemeanor <sup>114</sup>
14-72.6(a)(1)	Larceny of construction materials worth more than \$300 and less than \$1,000 from permitted construction site	Class I felony
14-72.6(a)(2)	Receiving or possessing construction materials worth more than \$300 and less than \$1,000 stolen from permitted construction site	Class I felony
14-72.7	Chop shop activity: <sup>115</sup> Altering, destroying, dismantling, or storing a motor vehicle or part known to be illegally obtained Permitting place to be used for illegal activity under 14-72.7 Purchasing, disposing of, selling, receiving, or possessing a motor vehicle or part knowing that the vehicle ID number has been altered Purchasing, disposing of, selling, receiving, or possessing a motor vehicle or part to or from person engaged in illegal activity under 14-72.7	Class G felony <sup>116</sup> Class G felony <sup>117</sup> Class G felony <sup>118</sup> Class G felony <sup>119</sup>
14-72.8	Felony larceny of motor vehicle parts if repair costs \$1,000 or more	Class I felony

114. A second conviction within seven years results in a mandatory 90-day DMV driver's license revocation; a third or subsequent conviction results in a mandatory six-month revocation. *See* G.S. 20-17(a)(16), G.S. 20-19(g2); *see also* G.S. 20-16(e2) (authorizing limited privilege). For both mandatory revocations, a defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

115. G.S. 14-72.7 authorizes the following additional remedies: (1) the criminal court may assess a civil penalty, in addition to or in lieu of a fine, of up to three times the assets obtained by the defendant as a result of the violation, to be remitted to the Civil Penalty and Forfeiture Fund; (2) a person aggrieved by a violation may file a civil action for damages; and (3) any instrumentality used in a prohibited activity is subject to seizure and forfeiture under G.S. 14-86.1, and the real property used for a prohibited activity is subject to abatement and forfeiture under Chapter 19.

116. For an offense committed before December 1, 2013, a violation is a Class H felony.

117. *See* note 116.

118. *See* note 116.

119. *See* note 116.

Statute	Description of Offense	Punishment
14-72.11	Larceny from merchant:	
	By use of certain exit doors when property has value of more than \$200	Class H felony
	By removing, destroying, or deactivating antishoplifting or inventory control device	Class H felony
	By affixing product code for purpose of fraudulently obtaining goods at less than actual price	Class H felony
	When property is infant formula and has value of more than \$100	Class H felony
14-74	Larceny or embezzlement by employee:	
	Of less than \$100,000	Class H felony
	Of \$100,000 or more	Class C felony
14-75	Larceny of chose in action	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
14-78	Larceny of ungathered crops	Class H felony
14-79	Larceny of ginseng	Class H felony
14-79.1	Larceny of pine straw	Class H felony
14-79.2(a), -79.2(b)	Waste kitchen grease offense <sup>120</sup>	
	Value of container or container and grease therein is \$1,000 or less	Class 1 misdemeanor
	Value is \$1,000 or more	Class H felony
14-81(a)	Larceny of horse, mule, swine, or cattle	Class H felony <sup>121</sup>
14-81(a1)	Larceny of a dog	Class I felony <sup>122</sup>
14-82	Temporarily taking horse, mule, or dog	Class 2 misdemeanor
14-86.2	Taking or vandalizing chemical or portable toilet or pumper truck operated by permitted management firm	Class 1 misdemeanor

120. G.S. 14-79.2 is effective for offenses committed on or after January 1, 2013.

121. 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.

122. See note 121.

Statute	Description of Offense	Punishment
<b>Article 16A: Organized Retail Theft</b>		
14-86.6(a)(1)	Organized retail theft	Class H felony <sup>123</sup>
14-86.6(a)(2)	Receiving or possessing retail property taken in violation of 14-86.6(a)(1)	Class H felony <sup>124</sup>
<b>Article 17: Robbery<sup>125</sup></b>		
14-87	Armed robbery or attempted armed robbery	Class D felony
14-87.1	Common law robbery	Class G felony <sup>126</sup>
14-88	Train robbery	Class D felony
14-89.1	Safecracking or attempted safecracking	Class I felony
<b>Article 18: Embezzlement</b>		
14-90	Embezzlement by agent or fiduciary: Of less than \$100,000 Of \$100,000 or more	Class H felony Class C felony
14-91	Embezzlement of state property by public officer or employee: Of less than \$100,000 Of \$100,000 or more	Class F felony Class C felony
14-92	Embezzlement by public officer or trustee: Of less than \$100,000 Of \$100,000 or more	Class F felony Class C felony
14-93	Embezzlement by treasurer of charitable or religious organization: Of less than \$100,000 Of \$100,000 or more	Class H felony Class C felony
14-94	Embezzlement by officer of railroad company: Of less than \$100,000 Of \$100,000 or more	Class H felony Class C felony

123. G.S. 14-86.6(b) provides that any interest acquired or maintained in violation of G.S. 14-86.6 is subject to forfeiture as provided in G.S. 18B-504 under the alcoholic beverage control laws.

124. See note 123.

125. Conveyances used in the commission of armed or common law robbery are subject to forfeiture as provided in G.S. 14-86.1.

126. This offense, and an attempt to commit it, is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).



Statute	Description of Offense	Punishment
14-97	Appropriation of partnership funds by partner:	
	Of less than \$100,000	Class H felony
	Of \$100,000 or more	Class C felony
14-98	Embezzlement by surviving partner, with refusal to account for funds:	
	Of less than \$100,000	Class H felony
	Of \$100,000 or more	Class C felony
14-99	Embezzlement of taxes by public officer:	
	Of less than \$100,000	Class F felony
	Of \$100,000 or more	Class C felony

**Article 19: False Pretenses and Cheats**

14-100	Obtaining or attempting to obtain property by false pretenses:	
	Of less than \$100,000	Class H felony
	Of \$100,000 or more	Class C felony
14-100.1(a), -100.1(e)	Possession or manufacture of fraudulent identification	Class 1 misdemeanor
14-100.1(b), -100.1(e)	Obtaining form of identification by use of fraudulent information	Class 1 misdemeanor
14-101	Obtaining signature by false pretenses	Class H felony
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 3 misdemeanor <sup>127</sup>
14-107	Knowingly writing worthless check over \$2,000	Class I felony <sup>128</sup>
14-107(d)(1)	Knowingly writing worthless check of \$2,000 or less	Class 3 misdemeanor <sup>129</sup>

127. It is a Class 2 misdemeanor if an offense was committed before December 1, 2013.

128. G.S. 14-107(e) 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 (1) the amount of the check, (2) any service charges imposed on the payee by a bank for processing the dishonored check, and (3) any processing fees imposed by the payee in compliance with G.S. 25-3-506.

129. It is a Class 2 misdemeanor if an offense was committed before December 1, 2013. A defendant who has previously been convicted three times of violating G.S. 14-107 shall be punished for this offense as for a Class 1 misdemeanor; if placed on probation, the defendant shall be ordered to refrain from maintaining a checking account or making or uttering a check for three years. See G.S. 14-107(d)(1). 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 128.

Statute	Description of Offense	Punishment
14-107(d)(3)	Knowingly writing worthless check on nonexistent account	Class 1 misdemeanor <sup>130</sup>
14-107(d)(4)	Knowingly writing worthless check on closed account	Class 1 misdemeanor <sup>131</sup>
14-110	Defrauding innkeeper or restaurant owner	Class 2 misdemeanor
14-111.4	Misuse of 911 system	Class 1 misdemeanor <sup>132</sup>
14-112	Obtaining merchandise on approval with intent to defraud	Class 2 misdemeanor
14-112.2(b), -112.2(d)	Exploitation of older or disabled adult through position of trust or business relationship if property is worth: \$100,000 or more \$20,000 or more and less than \$100,000 Less than \$20,000	Class F felony Class G felony Class H felony
14-112.2(c), -112.2(e)	Exploitation of older or disabled adult lacking capacity if property is worth: \$100,000 or more \$20,000 or more and less than \$100,000 Less than \$20,000	Class G felony Class H felony Class I felony
14-113	Obtaining money by false representation of physical disability	Class 2 misdemeanor

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**Article 19A: Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means<sup>133</sup>**

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14-113.1, -113.6	Obtaining or attempting to obtain goods through false telephone number, credit number, or credit device	Class 2 misdemeanor
14-113.4, -113.6	Avoiding or attempting to avoid lawful charges for telecommunications services	Class 2 misdemeanor
14-113.5, -113.6	Unlawful use of telecommunications services	Class 2 misdemeanor <sup>134</sup>

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**Article 19B: Financial Transaction Card Crime Act**

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14-113.9, -113.17(b)	Theft of financial transaction card	Class I felony
14-113.11, -113.17(b)	Forgery of financial transaction card	Class I felony

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130. See note 128.

131. See note 128.

132. S.L. 2013-286 changed the punishment for this offense to a Class 1 misdemeanor, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 3 misdemeanor.

133. This article does not apply to credit cards. See G.S. 14-113.7A.

134. G.S. 14-113.6(a) provides that a violation of G.S. 14-113.5 is a Class G felony if it involves five or more unlawful telecommunications devices, and G.S. 14-113.6(b) provides that a court may order restitution for a violation of G.S. 14-113.5.

Statute	Description of Offense	Punishment
14-113.13(a), -113.13(b), -113.17	Financial transaction card fraud: When value obtained in six-month period is \$500 or less When value obtained in six-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 six-month period is \$500 or less When value obtained in six-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 19C: Identity Theft

14-113.20, -113.22(a)	Financial identity theft	Class G felony <sup>135</sup>
14-113.20A, -113.22(a1)	Trafficking in stolen identities	Class E felony <sup>136</sup>
14-113.24	Printing more than five digits of account number on credit charge or debit card receipt	Infraction <sup>137</sup>

### Article 19D: Telephone Records Privacy Protection Act

14-113.31(a), -113.33	Obtaining or attempting to obtain customer's telephone record without consent	Class H felony <sup>138</sup>
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135. Under G.S. 14-113.22(a), financial identity theft is punishable as a Class F felony if (1) the victim (that is, the person whose personal identifying information is fraudulently used) is arrested, detained, or convicted as a result of the offense or (2) the defendant is in possession of the identifying information of three or more people. The court also may order restitution for financial loss caused by the violation to any person as provided in G.S. 14-113.22(a2), and the victim may bring a civil suit for damages, injunctive relief, and attorneys' fees as provided in G.S. 14-113.22(b) and G.S. 1-539.2C.

136. The court may order restitution for financial loss caused by the violation to any person as provided in G.S. 14-113.22(a2), and the victim may bring a civil suit for damages, injunctive relief, and attorneys' fees as provided in G.S. 14-113.22(b) and G.S. 1-539.2C.

137. A violation is subject to a penalty up to \$500 per violation, not to exceed \$500 per calendar month and \$2,000 per calendar year.

138. A violation of G.S. 14-113.31 is a violation of G.S. 75-1.1, allowing a customer to bring a civil action for damages or \$1,000, whichever is greater. *See* G.S. 14-113.33(b).

Statute	Description of Offense	Punishment
14-113.31(b), -113.33	Purchasing or receiving, or soliciting another to purchase or receive, customer's telephone record without authorization	Class H felony <sup>139</sup>
14-113.31(c), -113.33	Selling or offering to sell telephone record that was obtained without customer's consent	Class H felony <sup>140</sup>

### Article 20: Frauds

14-114	Fraudulent disposal or purchase of collateral	Class 2 misdemeanor
14-115	Secreting property to hinder enforcement of security interest	Class 2 misdemeanor
14-117	Fraudulent and deceptive advertising	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 I felony <sup>141</sup>
14-118.2	Assisting in obtaining academic credit by fraudulent means	Class 2 misdemeanor
14-118.4	Extortion	Class F felony
14-118.5(a)	Unauthorized interception of cable television service	Class 3 misdemeanor <sup>142</sup>
14-118.5(b)	Unauthorized sale of decoder for cable television signal	Class 3 misdemeanor <sup>143</sup>
14-118.6(a)	Knowingly filing false lien or encumbrance against public officer's or public employee's property <sup>144</sup>	Class I felony <sup>145</sup>
14-118.7	Possession, transfer, or use of automated sales suppression device	Class H felony <sup>146</sup>

### Article 20A: Residential Mortgage Fraud Act

14-118.12, -118.15	Residential mortgage fraud: <sup>147</sup>	
	Involving a single mortgage loan	Class H felony
	Involving a pattern of residential mortgage fraud	Class E felony

139. See note 138.

140. See note 138.

141. For offenses committed before December 1, 2012, a violation of G.S. 14-118.1 is a Class 2 misdemeanor.

142. G.S. 14-118.5 authorizes a fine up to \$500.

143. See note 142.

144. S.L. 2013-170 made this offense applicable to immediate family members of public officers and employees, effective for offenses committed on or after December 1, 2013.

145. This offense was enacted by S.L. 2012-150 and became effective for offenses committed on or after December 1, 2012. A violation of G.S. 14-118.6(a) constitutes an unfair and deceptive trade practice under G.S. 75-1.1. See G.S. 14-118.6(d).

146. This statute was enacted by S.L. 2013-301 and is effective for offenses committed on or after December 1, 2013. The maximum fine is \$10,000. A convicted defendant is liable for all taxes, fees, penalties, and interest due to the state resulting from use of the device and must forfeit all profits from its sale or use.

147. The court may order restitution to any person who suffered a financial loss as a result of a violation, and all real and personal property used or derived from a violation is subject to forfeiture as provided in G.S. 14-2.3 and 14-7.20. See G.S. 14-118.16. Effective December 1, 2012, G.S. 14-118.12 was expanded to include knowingly filing a document falsely claiming that a mortgage loan has been satisfied, released, terminated, or is invalid as a means of residential mortgage fraud.

Statute	Description of Offense	Punishment
<b>Article 21: Forgery</b>		
14-119(a)	Forging or counterfeiting bank notes, checks, or securities:	
	Forgery or counterfeiting	Class I felony
	Possession of counterfeit instrument	Class I felony
14-119(b)	Possession of five or more counterfeit instruments	Class G felony
14-120	Forged instruments:	
	Uttering forged instrument	Class I felony
	Forging endorsement	Class I felony
	Uttering instrument with forged endorsement	Class I felony
Common law	Common law forgery <sup>148</sup>	Class 1 misdemeanor under 14-3(a)
Common law	Common law uttering of forged paper <sup>149</sup>	Class 1 misdemeanor under 14-3(a)
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
<b>Article 22: Damages and Other Offenses to Land and Fixtures</b>		
14-127	Injury to real property	Class 1 misdemeanor
14-128	Injury to trees, crops, lands of another	Class 1 misdemeanor
14-129.2	Taking of sea oats	Class 3 misdemeanor <sup>150</sup>
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)	Defacing or injuring public building or facility	Class 2 misdemeanor

148. This common law offense is placed here because it is often associated with forgery offenses even though it is not a statutory offense.

149. See note 148.

150. This offense is punishable by a fine of not less than \$25 nor more than \$200.

Statute	Description of Offense	Punishment
14-132.2(a)	Injuring public school bus	Class 1 misdemeanor
14-132.2(b)	Entering public school bus after being forbidden	Class 1 misdemeanor
14-132.2(c)	Refusing to leave public school bus after demand	Class 1 misdemeanor
14-132.2(c1)	Impeding or delaying public school bus	Class 1 misdemeanor
14-134.3(a)	Domestic criminal trespass	Class 1 misdemeanor <sup>151</sup>
14-134.3(b)	Domestic criminal trespass on safe house by person with deadly weapon	Class G felony
14-135	Cutting down, injuring, or removing timber from another's property:	
	Timber valued up to \$1,000	Class 1 misdemeanor
	Timber valued more than \$1,000	Class H felony
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
14-138.1	Starting fire on grassland, brushland, or woodland and failing to extinguish fire	Class 3 misdemeanor <sup>152</sup>
14-140.1	Burning brush, grass, or other material without watchman	Class 3 misdemeanor <sup>153</sup>
14-144	Defacing or damaging house, church, fence, or wall:	
	Causing damage of \$5,000 or less	Class 2 misdemeanor
	Causing damage of more than \$5,000	Class I felony
14-145	Unlawful posting of advertisement	Class 3 misdemeanor
14-148(a)(1), -148(c)	Throwing trash in cemetery: <sup>154</sup>	
	Causing damage less than \$1,000	Class 1 misdemeanor
	Causing damage of \$1,000 or more	Class I felony

151. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841) if the offense is committed between people who have a personal relationship as defined in G.S. 50B-1(b).

152. The punishment for this offense may include a fine of not less than \$10 nor more than \$50.

153. See note 152.

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

Statute	Description of Offense	Punishment
14-148(a)(2), -148(c)	Vandalizing cemetery enclosure: <sup>155</sup>	
	Causing damage of less than \$1,000	Class 1 misdemeanor
	Causing damage of \$1,000 or more	Class I felony
14-148(a)(3), -148(c)	Vandalizing flowers, plants, and other articles in cemetery: <sup>156</sup>	
	Causing damage of less than \$1,000	Class 1 misdemeanor
	Causing damage of \$1,000 or more	Class I felony
14-149(a)(1)	Vandalizing casket or other repository of human remains	Class I felony
14-149(a)(2)	Vandalizing grave marker or ornament	Class I felony
14-149(a1)	Vandalizing human remains interred in cemetery	Class H felony
14-151	Interfering with gas, electric, and steam appliances, or meters <sup>157</sup>	Class 1 misdemeanor
		Class H felony for second or subsequent violation
		Class F felony if significant property damage or public endangerment
		Class D felony if violation results in death of another
14-154	Damaging telegraph, telephone, cable telecommunications, electric power line, or equipment related to wireless communications	Class I felony
14-155	Unauthorized connection with telephone company	Class 3 misdemeanor <sup>158</sup>
14-156	Injuring fixtures or other property of electric power companies	Class 2 misdemeanor
14-158	Interfering with telephone line	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 animal, or interfere with care of animals	Class 1 misdemeanor <sup>159</sup>

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155. See note 154.

156. See note 154.

157. For offenses committed before December 1, 2013, the only punishment was a Class 2 misdemeanor. S.L. 2013-88 established a punishment range from a Class 1 misdemeanor to a Class D felony, effective for offenses committed on or after December 1, 2013.

158. Each day's continuance of an unlawful connection is a separate offense.

159. G.S. 14-159.2(c) provides that a violation of G.S. 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.

Statute	Description of Offense	Punishment
14-159.2(a)(2), -159.2(b)	Damaging animal research facility	Class 1 misdemeanor <sup>160</sup>
14-159.2(a)(3), -159.2(b)	Unauthorized release of animal from animal research facility	Class 1 misdemeanor <sup>161</sup>
14-159.2(a)(4), -159.2(b)	Interfering with care of animal in animal research facility	Class 1 misdemeanor <sup>162</sup>
14-159.3	Trespassing with motorized all-terrain vehicle	Class 2 misdemeanor
14-159.4	Willfully tampering with another's property to obtain nonferrous metals: <sup>163</sup>	
	Disrupting critical infrastructure	Class 1 misdemeanor
	Total cost of damages is less than \$1,000	Class 1 misdemeanor
	Total cost of damages is \$1,000–\$9,999	Class H felony
	Total cost of damages is \$10,000 or more	Class F felony
	Resulting in serious injury	Class A1 misdemeanor
	Resulting in serious bodily injury	Class F felony
	Resulting in death	Class D felony

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### Article 22A: Trespassing upon “Posted” Property to Hunt, Fish, Trap, or Remove Pine Needles/Straw

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14-159.6(a)	Hunting or fishing on posted property	Class 2 misdemeanor
14-159.6(b)	Raking or removing pine straw on posted property	Class 1 misdemeanor
14-159.8	Mutilation, etc., of “posted” signs, posting without consent of owner or agent	Class 3 misdemeanor, but punishable only by up to \$100 fine

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### Article 22B: First- and Second-Degree Trespass

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14-159.12(a), -159.12(b)	First-degree trespass	Class 2 misdemeanor
14-159.12(c)	First-degree trespass on premises of an electric, water, or natural gas utility facility	Class A1 misdemeanor <sup>164</sup>
14-159.12(d)	First-degree trespass in violation of 14-159.12(c) with the intent to disrupt facility's operations or involving the risk of serious bodily injury	Class H felony <sup>165</sup>

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160. See note 159.

161. See note 159.

162. See note 159.

163. All punishments under G.S. 14-159.4 apply to offenses committed on or after October 1, 2012.

164. This statutory provision applies to offenses committed on or after September 1, 2012.

165. See note 164.



Statute	Description of Offense	Punishment
14-159.13	Second-degree trespass	Class 3 misdemeanor
Common law	Forcible trespass <sup>166</sup>	Class 1 misdemeanor
<b>Article 22C: Cave Protection Act</b>		
14-159.21	Vandalism of cave	Class 3 misdemeanor
<b>Article 23: Trespasses to Personal Property</b>		
14-160(a)	Willful injury to personal property, causing damage up to \$200	Class 2 misdemeanor
14-160(b)	Willful injury to personal property, causing more than \$200 damage	Class 1 misdemeanor
14-160.1	Altering identification marks on personal property	Class 1 misdemeanor
14-160.2(a)	Tampering with permanent number or identification mark on firearm to conceal firearm's identity	Class H felony
14-160.2(b)	Knowingly selling, buying, or possessing any firearm with the permanent number or identification mark altered to conceal firearm's identity	Class H felony
14-162	Removing boats	Class 2 misdemeanor
14-163	Poisoning livestock	Class I felony
14-163.1(a1)	Killing law enforcement, assistance, or search and rescue animal	Class H felony
14-163.1(b)	Causing or attempting to cause serious harm to law enforcement, assistance, or search and rescue animal	Class I felony
14-163.1(c)	Causing or attempting to cause harm to law enforcement, assistance, or search and rescue animal	Class 1 misdemeanor
14-163.1(d)	Harassing, delaying, or obstructing, or attempting to delay or obstruct, law enforcement, assistance, or search and rescue animal	Class 2 misdemeanor
<b>Article 24: Vehicles and Draft Animals—Protection of Bailor against Acts of Bailee</b>		
14-165	Malicious injury to hired personal property	Class 2 misdemeanor
14-167	Failing to return:	
	Rented motor vehicle worth more than \$4,000	Class H felony
	Other rented property	Class 3 misdemeanor <sup>167</sup>

<sup>166</sup>. This common law offense is placed here because it is often associated with trespass-to-premises offenses even though it is not a statutory offense. It is a Class 1 misdemeanor under G.S. 14-3(a).

<sup>167</sup>. If the offense was committed before December 1, 2013, it is a Class 2 misdemeanor.

Statute	Description of Offense	Punishment
14-168	Renting equipment or vehicle with intent to defraud	Class 2 misdemeanor
14-168.1	Conversion by bailee, lessee, tenant, or person with power of attorney: If value of property is \$400 or less If value of property exceeds \$400	Class 3 misdemeanor <sup>168</sup> Class H felony
14-168.4	Failing to return rented equipment on which there is purchase option, with intent to defeat owner's rights	Class 3 misdemeanor <sup>169</sup>
<b>Article 26: Offenses against Public Morality and Decency<sup>170</sup></b>		
14-177	Crime against nature	Class I felony
14-178	Incest: <sup>171</sup> With person under 13 by defendant at least 12 and at least four years older than person With person 13, 14, or 15 by defendant at least six years older than person With person 13, 14, or 15 by defendant more than four but less than six years older than person In all other cases	Class B1 felony Class B1 felony Class C felony Class F felony
14-183	Bigamy	Class I felony
14-184	Fornication and adultery	Class 2 misdemeanor
14-188	Keeping disorderly or bawdy house	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
14-190.6	Using person under 16 to assist in obscenity offense	Class I felony <sup>172</sup>
14-190.7	Disseminating obscenity to person under 16	Class I felony

168. If the offense was committed before December 1, 2013, it is a Class 1 misdemeanor.

169. If the offense was committed before December 1, 2013, it is a Class 2 misdemeanor.

170. A person with a "reportable conviction" is subject to the sex offender registration requirements in Chapter 14, Article 27A. A "reportable conviction" includes a conviction of a "sexually violent offense," which in turn includes a violation of any of several statutes in Chapter 14, Article 26. For a list of crimes requiring sex offender registration and the commission or conviction dates triggering registration, see Appendix B. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

171. This offense requires sex offender registration. See Appendix B for commission, conviction, and prison release dates triggering registration for various offenses. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

172. See note 171.

Statute	Description of Offense	Punishment
14-190.8	Disseminating obscenity to person under 13	Class I felony
14-190.9(a)	Indecent exposure	Class 2 misdemeanor
14-190.9(a1)	Indecent exposure if defendant is 18 or older, person is under 16, and defendant acts for sexual purpose	Class H felony <sup>173</sup>
14-190.14	Displaying material harmful to minors	Class 2 misdemeanor <sup>174</sup>
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 C felony <sup>175</sup>
14-190.17	Second-degree sexual exploitation of minor	Class E felony <sup>176</sup>
14-190.17A	Third-degree sexual exploitation of minor	Class H felony <sup>177</sup>
14-196	Harassing phone calls	Class 2 misdemeanor
14-196.3	Cyberstalking	Class 2 misdemeanor
14-197	Using profane language on highway	Class 3 misdemeanor <sup>178</sup>
14-202(a)	Peeping into room occupied by other person	Class 1 misdemeanor <sup>179</sup>
14-202(a1)	Peeping under or through other person's clothing by mirror or other device	Class 1 misdemeanor <sup>180</sup>

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173. See note 171.

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

175. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses.

176. See note 175.

177. The legislature in 2008 (S.L. 2008-218) increased the punishment for this offense from a Class I to a Class H felony, but it did not correspondingly amend the Crime Victims' Rights Act, specifically G.S. 15A-830(a)(7)e., that listed this offense as a Class I felony. Nonetheless, the offense may be covered under the act because the failure to make the revision to G.S. 15A-830(a)(7) may not override the legislative intent to maintain the offense within the Crime Victims' Right Act. For a statutory construction issue involving legislative intent, see *State v. Crawford*, 167 N.C. App. 777 (2005).

This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

178. G.S. 14-197 does not apply to Pitt or Swain counties.

179. The court may require a defendant placed on probation for a first conviction under G.S. 14-202 to obtain a psychological evaluation and to comply with any recommended treatment; if the court places a defendant on probation for a second or subsequent conviction, the court must impose these requirements. See G.S. 14-202(j). A person whose image is captured or disseminated in violation of G.S. 14-202 has a civil action for damages as provided in G.S. 14-202(k). G.S. 14-202(l) and G.S. 14-208.6(4)d. provide that if a person is convicted of a violation of subsections (d), (e), (f), (g), or (h) of G.S. 14-202, or a second or subsequent violation of G.S. 14-202(a), (a1), or (c), the sentencing judge may require the person to register as a sex offender under Chapter 14, Article 27A, if the judge rules that the defendant is a danger to the community and requiring registration would further the purposes of Art. 27A.

180. See note 179.

Statute	Description of Offense	Punishment
14-202(c)	Peeping while possessing device to create photographic image	Class A1 misdemeanor <sup>181</sup>
14-202(d)	Peeping while using device to create photographic image for sexual purpose	Class I felony <sup>182</sup>
14-202(e)	Secretly using device to create photographic image underneath or through other person's clothing	Class I felony <sup>183</sup>
14-202(f)	Secretly installing device in room to create photographic image for sexual purpose	Class I felony <sup>184</sup>
14-202(g)	Possessing photographic image obtained in violation of 14-202	Class I felony <sup>185</sup>
14-202(h)	Disseminating image obtained in violation of 14-202	Class H felony <sup>186</sup>
14-202(i)	Second or subsequent violation of 14-202: <sup>187</sup> Second or subsequent felony Second or subsequent Class A1 misdemeanor Second or subsequent Class 1 misdemeanor	Felony one class higher than felony committed Class I felony Class A1 misdemeanor
14-202.1	Taking, or attempting to take, indecent liberties with child	Class F felony <sup>188</sup>
14-202.2	Indecent liberties between children	Class 1 misdemeanor <sup>189</sup>
14-202.3(a), -202.3(c)	Soliciting child by computer or other electronic device to commit unlawful sex act: <sup>190</sup> Solicitation Solicitation if defendant, or person for whom defendant was arranging meeting, appears at meeting location	Class H felony Class G felony

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181. See note 179.

182. See note 179.

183. See note 179.

184. See note 179.

185. See note 179.

186. See note 179.

187. See note 179.

188. This offense, and an attempt to commit it, is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841). This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

189. This offense occurs when a person under 16 takes or attempts to take indecent liberties with a child who is at least three years younger than the person. Because the district court, in its capacity as juvenile court, has exclusive jurisdiction over a person who is under 16 and charged with a misdemeanor, G.S. 14-202.2 only provides the basis for a delinquency petition in juvenile court; the person may not be tried as an adult.

190. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

Statute	Description of Offense	Punishment
14-202.4	Taking or attempting to take indecent liberties with elementary or secondary school student:	
	By teacher, school administrator, student teacher, school safety officer, or coach	Class I felony <sup>191</sup>
	By other school personnel or volunteer if four or more years older than student	Class I felony <sup>192</sup>
	By other school personnel or volunteer if less than four years older than student	Class A1 misdemeanor
14-202.5	Accessing commercial social networking website by sex offender knowing that site permits minors to become members or maintain personal web pages	Class I felony

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### Article 26A: Adult Establishments

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14-202.11(a), -202.12	Permitting facility to contain multiple adult establishments:	
	First offense	Class 3 misdemeanor
	Subsequent violation of 14-202.11	Class 2 misdemeanor
	Permitting adult establishment in facility where sexually oriented devices are contained:	
	First offense	Class 3 misdemeanor
	Subsequent violation of 14-202.11	Class 2 misdemeanor
14-202.11(b), -202.12	Permitting multiple occupancy in viewing booth in adult mini-motion picture theater:	
	First offense	Class 3 misdemeanor
	Subsequent violation of 14-202.11	Class 2 misdemeanor

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### Article 27: Prostitution<sup>193</sup>

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14-204(a)	Prostitution	Class 1 misdemeanor <sup>194</sup>
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191. See note 190.

192. See note 190.

193. Offenses in Article 27 were created, revised, or repealed by S.L. 2013-368, effective for offenses committed on or after October 1, 2013. For offenses committed before October 1, 2013, see the statutes that existed before the changes made by S.L. 2013-368.

Under G.S. 14-205.4, effective for offenses committed on or after October 1, 2013, a court may order a convicted defendant to be examined for a sexually transmitted infection, and if the defendant is placed on probation and is infected, the probation period may begin only with such conditions that will ensure medical treatment. A female defendant may only be supervised by a female probation officer.

194. G.S. 14-204(b) requires probation and a conditional discharge as set out in the subsection. A defendant who is a minor (under 18 years old) is immune from prosecution and is treated as an undisciplined juvenile as set out in the subsection. These provisions are effective for offenses committed on or after October 1, 2013. For offenses committed before October 1, 2013, see the version of G.S. 14-204 in existence then.

Statute	Description of Offense	Punishment
14-205.1	Solicitation of prostitution <sup>195</sup>	Class 1 misdemeanor Class H felony for second or subsequent offense Class G felony if person 18 or older solicits person under 18 Class E felony if person solicited is severely or profoundly mentally disabled
14-205.2	Patronizing a prostitute <sup>196</sup>	Class A1 misdemeanor Class G felony for second or subsequent offense Class F felony if defendant is 18 or older and prostitute is under 18 <sup>197</sup> Class D felony if prostitute is severely or profoundly mentally disabled <sup>198</sup>
14-205.3(a), -205.3(c)	Promoting prostitution <sup>199</sup>	Class F felony Class E felony if prior conviction of 14-204, 14-204.1, 14-204.2, or 14-205.3
14-205.3(b)(1), -205.3(b)(2), -205.3(d)	Promoting prostitution of minor or mentally disabled person by advancing prostitution or profiting from prostitution <sup>200</sup>	Class D felony Class C felony if prior conviction of 14-204, 14-204.1, 14-204.2, or 14-205.3
14-205.3(b)(3), -205.3(d)	Promoting prostitution of minor or mentally disabled person by confining victim <sup>201</sup>	Class C felony

195. This revised statute is effective for offenses committed on or after October 1, 2013. Punishment for a violation may include participation in a program devised for the education and prevention of sexual exploitation where available. A prayer for judgment continued is prohibited.

196. This statute is effective for offenses committed on or after October 1, 2013.

197. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

198. See note 197.

199. This statute is effective for offenses committed on or after October 1, 2013.

200. This statute is effective for offenses committed on or after October 1, 2013. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

201. See note 200.

Statute	Description of Offense	Punishment
<b>Article 27A: Sex Offender and Public Protection Registration Programs<sup>202</sup></b>		
14-208.9A(c)	Failing to provide photograph by sex offender on request by sheriff	Class 1 misdemeanor
14-208.11	Violating sex offender registration requirements	Class F felony
14-208.11A	Assisting person who has violated sex offender registration requirements in eluding arrest	Class H felony
14-208.16	Residing near minor by sex offender	Class G felony
14-208.17(a), -208.17(c)	Working by sex offender at place where minor is present	Class F felony
14-208.17(b), -208.17(c)	Accepting minor into care or custody knowing that sex offender resides at that location	Class F felony
14-208.18	Being on or near location primarily for use of minors by sex offender convicted of certain offenses	Class H felony <sup>203</sup>
14-208.19A	Violation of commercial driver's license restrictions based on required sex offender registration	Class F felony
14-208.44(a)	Failing to enroll by sex offender in satellite monitoring program	Class F felony
14-208.44(b)	Tampering with satellite monitoring device issued to sex offender	Class E felony
14-208.44(c)	Failing to cooperate with Division of Adult Correction guidelines and regulations for satellite monitoring program	Class 1 misdemeanor
<b>Article 28: Perjury</b>		
14-209	Perjury	Class F felony
14-210	Subornation of perjury	Class I felony
<b>Article 29: Bribery</b>		
14-217	Acceptance of bribe by public official, person nominated for office, or person who has filed notice of candidacy	Class F felony
14-218	Offering bribe	Class F felony
14-220	Offering bribe to, or acceptance of bribe by, juror	Class F felony

202. The provisions for satellite-based monitoring of sex offenders by the Division of Adult Correction of the Department of Public Safety are set out in G.S. 14-208.40 through -208.45. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

203. G.S. 115C-390.11 provides that a local school board may expel a student who is subject to G.S. 14-208.18, according to the procedures set out in the statute.

Statute	Description of Offense	Punishment
<b>Article 30: Obstructing Justice</b>		
Common law	Obstruction of justice <sup>204</sup>	Class 1 misdemeanor, but Class H felony if done with deceit and intent to defraud as provided in 14-3
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(a), -225(b)	Making false report to law enforcement agency or officer	Class 2 misdemeanor  Class H felony if report concerns investigation of disappearance of a child or child victim of Class A, B1, B2, or C felony <sup>205</sup>
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 G felony
14-226.1	Violating certain court orders	Class 3 misdemeanor <sup>206</sup>
14-226.2	Harassment of participant in neighborhood watch program	Class 1 misdemeanor with mandatory minimum \$300 fine

204. This common law offense is placed here because it is often associated with related statutory offenses even though it is not a statutory offense.

205. The Class H felony was enacted by S.L. 2013-52 and is effective for offenses committed on or after December 1, 2013. "Disappearance of a child" refers to the definition of that term in G.S. 14-318.5. A "child" means a person under 16 years old.

206. The punishment for this offense may include a fine up to \$250.



Statute	Description of Offense	Punishment
14-226.3(b)	Knowingly interfering with an electronic monitoring device <sup>207</sup>	If committed by a convicted person required to be monitored, it is a felony one class lower than the most serious underlying felony or a misdemeanor one class lower than the most serious underlying misdemeanor, except if the most serious underlying felony is a Class I felony, then the violation is a Class A1 misdemeanor. If committed by a person required to be monitored as a condition of bond or pretrial release, it is a Class 1 misdemeanor. If committed by any other person, it is a Class 2 misdemeanor.
14-226.3(c)	Knowingly soliciting another person to interfere with an electronic monitoring device <sup>208</sup>	See punishment for 14-226.3(b), above
<b>Article 30A: Secret Listening</b>		
14-227.1, -227.3	Listening, or attempting to listen, to conversation between prisoner and attorney by mechanical or electrical device	Class 2 misdemeanor
14-227.2, -227.3	Listening, or attempting to listen, to deliberations of grand or petit jury in criminal case by mechanical or electrical device	Class 2 misdemeanor
<b>Article 31: Misconduct in Public Office</b>		
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	Public officer or employees benefiting from public contracts	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

207. G.S. 14-226.3 does not apply to people subject to satellite-based monitoring under North Carolina's sex offender registration and monitoring program, which is governed by G.S. 14-208.44(b), or to juveniles.

208. See note 207.

Statute	Description of Offense	Punishment
<b>Article 32: Misconduct in Private Office</b>		
14-254	Corporate malfeasance	Class H felony
<b>Article 33: Prison Breach and Prisoners</b>		
14-255	Escape while hired out	Class 1 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 charged or convicted felon, pending trial or transfer to state prison system <sup>209</sup>	Class H felony
14-256(2)	Escape from county or municipal facility by person serving sentence for felony	Class H felony
14-256.1	Escape from private correctional facility in N.C. by person convicted in another jurisdiction	Class H felony
14-258	Trading:	
	With prisoners	Class H felony
	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 <sup>210</sup>
14-258.1(b)	Furnishing alcohol to inmate	Class 1 misdemeanor <sup>211</sup>
14-258.1(c)	Furnishing tobacco product to inmate	Class 1 misdemeanor
14-258.1(d)	Furnishing mobile phone or wireless communications device to inmate	Class 1 misdemeanor
14-258.1(e)	Possession of tobacco product or wireless device by inmate	Class 1 misdemeanor
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
14-258.3	Taking of hostage by prisoner	Class F felony

209. Effective for offenses committed on or after December 1, 2013, G.S. 14-256(1) was amended to include an escape by a person who was charged with a felony that was pending for trial.

210. The subsection provides that a conviction of this offense by an officer or employee of a state institution or local confinement facility must be dismissed from his or her office or employment.

211. See note 210.

Statute	Description of Offense	Punishment
14-258.4	Malicious conduct by prisoner (emitting of bodily fluids or excrement by prisoner at government employee)	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
<b>Article 34: Custodial Institutions</b>		
14-266, -268	Persuading inmate to escape	Class 1 misdemeanor
14-267, -268	Harboring fugitive	Class 1 misdemeanor
<b>Article 35: Offenses against the Public Peace</b> <sup>212</sup>		
14-269(a), -269(c)	Carrying concealed weapon	Class 2 misdemeanor
14-269(a1), -269(c)	Carrying concealed pistol or gun:	
	First offense	Class 2 misdemeanor
	Subsequent offense	Class I felony
14-269.2(b)	Firearms on educational property or at school-sponsored activity:	
	Knowingly possessing certain firearms	Class I felony <sup>213</sup>
	Discharging firearm	Class F felony
14-269.2(b1)	Possession of explosive on educational property or at school-sponsored activity	Class G felony <sup>214</sup>
14-269.2(c)	Aiding person under 18 to possess firearm on educational property	Class I felony
14-269.2(c1)	Aiding person under 18 to possess explosive on educational property	Class G felony <sup>215</sup>
14-269.2(d)	Possession of certain weapons or fireworks on educational property	Class 1 misdemeanor
14-269.2(e)	Aiding person under 18 to commit violation of 14-269.2(d)	Class 1 misdemeanor

212. Upon a conviction of a violation of G.S. 14-269 (carrying concealed weapon), 14-269.7 (possession of handgun by minor), or any other offense involving use of a deadly weapon as defined in G.S. 14-269, the weapon is subject to confiscation and disposition as provided in G.S. 14-269.1.

213. 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 or an employee at the school; (2) the person is not a student or employee at the school attending a curricular or extracurricular activity sponsored by the school; and (3) the firearm is unloaded, is in a motor vehicle, and is in a locked firearm rack or locked container.

214. A conviction of this offense results in a mandatory DMV driver's license revocation for one year under G.S. 20-17(a)(15), and for a driver under 18, G.S. 20-13.2(c2), (d). A defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

215. See note 214.

Statute	Description of Offense	Punishment
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	Willful possession of handgun by person under 18	Class 1 misdemeanor
14-269.8	Possessing, purchasing, or receiving firearm, ammunition, or concealed firearm permit while prohibited by Ch. 50B domestic violence protective order, or attempting to do so	Class H felony
14-275.1	Disorderly conduct at bus or railroad station or airport	Class 3 misdemeanor
14-276.1	Impersonation of firefighter or emergency medical personnel	Class 3 misdemeanor
14-277(a)(1) through -277(a)(3), -277(d1)(1)	Impersonation: falsely representing self as law enforcement officer	Class 1 misdemeanor
14-277(a)(4), -277(d1)(3)	Impersonation: unlawfully operating vehicle with blue light	Class I felony
14-277(b)(1) through -277(b)(4), -277(d1)(2)	Impersonation: falsely representing self as law enforcement officer and acting as such	Class 1 misdemeanor <sup>216</sup>
14-277(b)(5), -277(d1)(4)	Impersonation: unlawfully operating vehicle with blue light and causing reasonable person to yield or stop	Class H felony
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
14-277.3A	Stalking: <sup>217</sup>	
	First offense	Class A1 misdemeanor <sup>218</sup>
	Subsequent offense	Class F felony <sup>219</sup>
	While court order in effect prohibiting conduct described in 14-277.3A	Class H felony <sup>220</sup>

216. G.S. 14-277(d1)(2) provides that the court may impose an intermediate punishment for this offense even when structured sentencing only authorizes a community punishment.

217. G.S. 14-277.3A(d) provides that if a person is convicted of the misdemeanor version of the offense and is sentenced to a community punishment, the court must place the person on supervised probation in addition to any other punishment.

218. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841) if the offense is committed between people who have a personal relationship as defined in G.S. 50B-1(b).

219. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

220. See note 219.

Statute	Description of Offense	Punishment
14-277.4(a), -277.4(c)	Obstructing health care facility:	
	First offense	Class 2 misdemeanor
	Second conviction within three years of first conviction	Class 1 misdemeanor
	Third or subsequent conviction within three years of most recent conviction	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	Class 2 misdemeanor
	Second conviction within three years of first conviction	Class 1 misdemeanor
	Third or subsequent conviction within three years of most recent conviction	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 one year
14-277.4A(b), -277.4(c)	Targeted picketing of residence	Class 2 misdemeanor
14-277.4A(d)	Violating injunction obtained pursuant to 14-277.4A	Criminal contempt, punishable by not less than 30 days or more than one year
14-277.5	Making false report concerning mass violence on educational property	Class H felony <sup>221</sup>

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### Article 36: Offenses against the Public Safety

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14-280	Shooting or throwing at train	Class I felony
14-280.1	Trespassing on railroad right-of-way	Class 3 misdemeanor
14-280.2	Pointing laser device at aircraft	Class H felony
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 toxic substances	Class F felony <sup>222</sup>
14-286	Giving false fire alarm	Class 2 misdemeanor
14-286.1	Making false ambulance request	Class 3 misdemeanor

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<sup>221</sup> G.S. 14-277.5(c) authorizes the court to order a person convicted of a violation to pay restitution, including costs and consequential damages resulting from the disruption of normal activity on the premises.

<sup>222</sup> G.S. 14-284.2 authorizes a fine up to \$100,000 per day of violation.

Statute	Description of Offense	Punishment
14-286.2	Interfering with emergency communication	Class A1 misdemeanor
<b>Article 36A: Riots, Civil Disorders, and Emergencies</b>		
Common law	Going armed to the terror of the people <sup>223</sup>	Class 1 misdemeanor
Common law	Unlawful assembly <sup>224</sup>	Class 1 misdemeanor
14-288.2(b)	Engaging in riot	Class 1 misdemeanor
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 riot	Class 1 misdemeanor
14-288.2(e)	Inciting riot resulting in more than \$1,500 property damage or serious bodily injury	Class F felony
14-288.4(a)(1) through -288.4(a)(7)	Disorderly conduct	Class 2 misdemeanor
14-288.4(a)(8), -288.4(c)	Disorderly conduct at funeral:	
	First offense	Class 1 misdemeanor <sup>225</sup>
	Second offense	Class I felony <sup>226</sup>
	Third or subsequent offense	Class H felony <sup>227</sup>
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
14-288.8	Manufacture, sale, possession, etc., of weapon of mass death and destruction	Class F felony
14-288.9	Assault causing physical injury on emergency personnel	Class I felony <sup>228</sup>
	Assault on emergency personnel with dangerous weapon or substance	Class F felony <sup>229</sup>

223. This common law offense is placed here because it is often associated with the statutory offenses in this article. It is a Class 1 misdemeanor under G.S. 14-3(a).

224. See note 223.

225. For an offense committed before December 1, 2013, the punishment is a Class 2 misdemeanor.

226. For an offense committed before December 1, 2013, the punishment is a Class 1 misdemeanor.

227. For an offense committed before December 1, 2013, the punishment is a Class I felony.

228. Effective for offenses committed on or after December 1, 2011, G.S. 14-288.9 made the punishment for committing assault causing physical injury on emergency personnel a Class I felony. For an offense committed before December 1, 2011, the punishment for assault on emergency personnel is a Class 1 misdemeanor, and physical injury is not required.

229. This Class F felony is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

Statute	Description of Offense	Punishment
14-288.20A	Violation of emergency prohibitions and restrictions	Class 2 misdemeanor
<b>Article 36B: Nuclear, Biological, or Chemical Weapons of Mass Destruction</b>		
14-288.21	Manufacture, sale, possession, etc., of nuclear, biological, or chemical weapon of mass destruction	Class B1 felony
14-288.22(a)	Injuring another with weapon in 14-288.21	Class A felony punishable by life imprisonment without parole
14-288.22(b)	Attempt, solicitation, or conspiracy to injure another with weapon in 14-288.21	Class B1 felony
14-288.22(c)	Delivery or attempt to deliver through mail weapon in 14-288.21	Class B1 felony
14-288.23(a)	False report that weapon in 14-288.21 is in any place or structure	Class D felony <sup>230</sup>
14-288.24(a)	Perpetrating hoax regarding weapon in 14-288.21	Class D felony <sup>231</sup>
<b>Article 37: Lotteries, Gaming, Bingo, and Raffles</b> <sup>232</sup>		
14-290	Promoting or conducting unauthorized lottery	Class 2 misdemeanor <sup>233</sup>
14-291	Selling lottery tickets	Class 2 misdemeanor
14-291.1	Selling “numbers” tickets	Class 2 misdemeanor
14-291.2	Pyramid scheme: <sup>234</sup>	
	Establishing or operating	Class H felony
	Participating in or otherwise promoting	Class 2 misdemeanor
14-292	Gambling	Class 2 misdemeanor
14-293	Allowing gambling in houses of entertainment	Class 2 misdemeanor <sup>235</sup>
14-295	Keeping or playing gaming tables, illegal punchboards, and slot machines	Class 2 misdemeanor

230. The court may order a person convicted of this offense to pay restitution for disruption of normal activities.

231. See note 230.

232. G.S. 14-298 and 14-299 set out various provisions for the seizure, forfeiture, destruction, etc., of property and money for various offenses in Article 37.

233. G.S. 14-290 authorizes a maximum \$2,000 fine.

234. G.S. 14-291.2(c) provides that a superior court judge may, on petition of the attorney general or district attorney, enjoin the continuation of a pyramid scheme, assess civil penalties and attorneys’ fees in such a proceeding, and appoint a receiver to secure assets obtained by the defendant through his or her participation in the scheme. G.S. 14-291.2(a) provides that any person who participates in or otherwise promotes a pyramid scheme shall be deemed to have participated in a lottery.

235. G.S. 14-293 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.

Statute	Description of Offense	Punishment
14-297	Allowing gaming tables, illegal punchboards, or slot machines on premises	Class 2 misdemeanor
14-301, -303	Operating or possessing slot machine	Class 2 misdemeanor
14-302, -303	Operating or possessing gambling devices	Class 2 misdemeanor
14-304, -309	Manufacture, sale, etc., of slot machine:	
	First offense	Class 1 misdemeanor
	Second offense	Class H felony
	Third or subsequent offense	Class G felony
14-305, -309	Agreeing to provide thing of value to user of slot machine:	
	First offense	Class 1 misdemeanor
	Second offense	Class H felony
	Third or subsequent offense	Class G felony
14-306(d), -309	Making unlawful payout to player:	
	First offense	Class 1 misdemeanor
	Second offense	Class H felony
	Third or subsequent offense	Class G felony
14-306.1A, -309	Violation of video gaming machine ban:	
	First offense	Class 1 misdemeanor
	Second offense	Class H felony
	Third or subsequent offense	Class G felony
	Offense involving operation of five or more machines	Class G felony
14-306.3(a), -309	Promoting, operating, or conducting server-based electronic game promotion: <sup>236</sup>	
	First offense	Class 1 misdemeanor
	Second offense	Class H felony
	Third or subsequent offense	Class G felony

236. G.S. 14-298 provides for the seizure and destruction of any game terminal described in G.S. 14-306.3(b); it is unclear whether this provision applies to violations of both G.S. 14-306.3(a) and 14-306.3(b) or only to violations of the latter subsection. G.S. 14-299 provides for the seizure and destruction, sale, or forfeiture of money and other property or things of value exhibited for the purpose of alluring people to bet on any game or used in the conduct of any such game; unlike G.S. 14-298, G.S. 14-299 does not specifically refer to game terminals under G.S. 14-306.3. A conviction of a violation of G.S. 14-306.3 results in automatic revocation of an alcoholic beverage control (ABC) permit under Chapter 18B and contract to sell lottery tickets under Article 5C of Chapter 18C.



Statute	Description of Offense	Punishment
14-306.3(b), -309	Possession of game terminal for purpose of promoting, operating, or conducting server-based electronic game promotion: <sup>237</sup>	
	First offense	Class 1 misdemeanor
	Second offense	Class H felony
	Third or subsequent offense	Class G felony
14-306.4	Offense involving possession of five or more machines	Class G felony
	Operating an electronic machine to conduct or promote a sweepstakes using an entertaining display: <sup>238</sup>	
	First offense	Class 1 misdemeanor
	Second offense	Class H felony
14-309.5	Third or subsequent offense	Class G felony
	Licensed exempt organization conducting bingo in violation of Part 2, Article 37	Class 2 misdemeanor
14-309.5	Operating bingo without license or while license revoked, misapplying bingo moneys, or providing consulting services to licensee	Class 1 felony
14-309.15(a)	Unlawful raffle	Class 2 misdemeanor <sup>239</sup>
14-309.20	Conducting greyhound racing for monetary remuneration	Class 1 misdemeanor

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### Article 39: Protection of Minors

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14-313(b)	Sale of tobacco products or cigarette wrapping papers to person under 18: <sup>240</sup>	
	Selling or distributing to person under 18	Class 2 misdemeanor
	Purchasing on behalf of person under 18	Class 2 misdemeanor
	Failing to demand proof of age of person under 18	Class 2 misdemeanor
14-313(b1)	Failing to post required notice	Infraction <sup>241</sup>
	Unlawfully distributing tobacco products through vending machine	Class 2 misdemeanor <sup>242</sup>

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237. See note 236.

238. Each violation of the statute constitutes a separate offense. *See* G.S. 14-306.4(e). The statute does not apply to activities lawfully conducted on Indian lands in accordance with a gaming compact. G.S. 14-306.4(c) provides that the statute prohibits any mechanism that seeks to avoid application of the statute through subterfuge or pretense.

239. G.S. 14-309.15(a) provides that a person convicted of this offense may not conduct a raffle for one year.

240. G.S. 14-313(f) provides that any person charged with a misdemeanor shall be qualified for deferred prosecution if he or she has not previously been placed on probation for a violation of G.S. 14-313 and so states under oath.

241. G.S. 14-313(b) provides that a first offense is punishable by a \$25 penalty and a subsequent offense by a \$75 penalty.

242. See note 240.

Statute	Description of Offense	Punishment
14-313(c)	Purchase of tobacco products or cigarette wrapping papers by person under 18: <sup>243</sup>	
	Purchasing, receiving, or attempting to purchase or receive	Class 2 misdemeanor
	Presenting false proof of age	Class 2 misdemeanor
14-313(d)	Sending or assisting person under 18 to purchase or receive tobacco products or cigarette wrapping papers	Class 2 misdemeanor <sup>244</sup>
14-315(a)	Selling or giving weapon other than handgun to person under 18	Class 1 misdemeanor <sup>245</sup>
14-315(a1)	Selling or giving handgun to person under 18	Class H felony <sup>246</sup>
14-315.1	Storing firearm in manner accessible to minor	Class 1 misdemeanor
14-315.2(a), -315.2(c)	Failing to provide written copy of 14-315.1 to purchaser of firearm	Class 1 misdemeanor
14-315.2(b), -315.2(c)	Failing to post notice warning purchaser of duty to store firearm	Class 1 misdemeanor
14-316	Permitting person under 12 to use dangerous firearm	Class 2 misdemeanor
14-316.1	Contributing to delinquent, undisciplined, abused, or neglected condition of juvenile	Class 1 misdemeanor
14-318	Exposing child under eight to danger of fire	Class 1 misdemeanor
14-318.2	Misdemeanor child abuse	Class A1 misdemeanor <sup>247</sup>
14-318.4(a)	Felony child abuse by intentionally inflicting serious physical injury on child	Class D felony <sup>248</sup>
14-318.4(a1)	Felony child abuse by committing, permitting, or encouraging prostitution by child	Class D felony <sup>249</sup>
14-318.4(a2)	Felony child abuse by parent or legal guardian committing or allowing commission of sexual act on child	Class D felony <sup>250</sup>

243. See note 240. It is not unlawful for an employee under 18 to purchase or accept receipt when required in performing his or her duties.

244. See note 240.

245. G.S. 14-315 provides that the defendant shall forfeit the proceeds of any sale.

246. See note 245.

247. G.S. 14-318.2 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. G.S. 14-318.2(c) provides that a parent who voluntarily relinquishes an infant less than seven days of age pursuant to G.S. 14-322.3 may not be prosecuted for this offense for acts or omissions relating to the care of that infant.

248. For an offense committed before December 1, 2013, it is a Class E felony. G.S. 14-318.4(c) provides that voluntary relinquishment of an infant less than seven days of age pursuant to G.S. 14-322.3 may be treated as a mitigating factor at sentencing for a violation of G.S. 14-318.4 involving that infant.

249. See note 248. This offense requires sex offender registration; see Appendix B for commission, conviction, and prison release dates triggering registration for various offenses. For additional information, see UNC School of Government, *Sex Offender Registration Requirements*, COLLATERAL CONSEQUENCES ASSESSMENT TOOL (C-CAT), <http://ccat.sog.unc.edu/node/2269>.

250. See notes 248 and 249.

Statute	Description of Offense	Punishment
14-318.4(a3)	Felony child abuse by intentionally inflicting serious bodily injury on child	Class B2 felony <sup>251</sup>
14-318.4(a4)	Felony child abuse by willful act or grossly negligent omission resulting in serious bodily injury to child	Class E felony <sup>252</sup>
14-318.4(a5)	Felony child abuse by willful act or grossly negligent omission resulting in serious physical injury to child	Class G felony <sup>253</sup>
14-318.5(b)	Knowing or wanton failure by parent or other person providing care to or supervision of child under 16 to report disappearance of child to law enforcement	Class I felony <sup>254</sup>
14-318.5(c)	Failure of person who reasonably suspects disappearance of child under 16 and reasonably suspects danger to child to report suspicions to law enforcement	Class 1 misdemeanor <sup>255</sup>
14-320.1	Transporting child outside state with intent to violate custody order	Class I felony
14-321.1	Baby sitting by or near sex offender:	
	First offense	Class 1 misdemeanor
	Subsequent offense	Class H felony

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### Article 40: Protection of the Family<sup>256</sup>

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14-322(b), -322(f)	Abandonment of spouse without providing adequate support: <sup>257</sup>	
	First offense	Class 2 misdemeanor
	Subsequent offense under 14-322	Class 1 misdemeanor
14-322(c), -322(f)	Failing to provide adequate support while living with dependent spouse: <sup>258</sup>	
	First offense	Class 2 misdemeanor
	Subsequent offense under 14-322	Class 1 misdemeanor

251. For offenses committed before December 1, 2013, it is a Class C felony. G.S. 14-318.4(c) provides that voluntary relinquishment of an infant less than seven days of age pursuant to G.S. 14-322.3 may be treated as a mitigating factor at sentencing for a violation of G.S. 14-318.4 involving that infant.

252. G.S. 14-318.4(c) provides that voluntary relinquishment of an infant less than seven days of age pursuant to G.S. 14-322.3 may be treated as a mitigating factor at sentencing for a violation of G.S. 14-318.4 involving that infant.

253. For offenses committed before December 1, 2013, it is a Class H felony. G.S. 14-318.4(c) provides that voluntary relinquishment of an infant less than seven days of age pursuant to G.S. 14-322.3 may be treated as a mitigating factor at sentencing for a violation of G.S. 14-318.4 involving that infant.

254. This statutory subsection was enacted by S.L. 2013-52 and is effective for offenses committed on or after December 1, 2013.

255. See note 254.

256. A parent who voluntarily relinquishes an infant less than seven days of age pursuant to G.S. 14-322.3 may not be prosecuted under G.S. 14-322 or G.S. 14-322.1 for abandonment or nonsupport of that infant. See G.S. 14-322.3.

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

258. See note 257.

Statute	Description of Offense	Punishment
14-322(d), -322(f)	Nonsupport of child by parent. <sup>259</sup>	
	First offense	Class 2 misdemeanor
	Subsequent offense under 14-322	Class 1 misdemeanor
14-322.1	Abandonment of child for six months and failure to support	Class I felony
14-326.1	Failing to support parent:	
	First offense	Class 2 misdemeanor
	Subsequent offense	Class 1 misdemeanor

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#### Article 44: Regulation of Sales

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14-344	Ticket scalping	Class 2 misdemeanor
14-344.1, -344	Internet sale of ticket that does not comply with requirements of 14-344.1	Class 2 misdemeanor

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#### Article 47: Cruelty to Animals

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14-360(a)	Intentional cruelty to animals	Class 1 misdemeanor
14-360(a1)	Killing animal by starvation	Class H felony
14-360(b)	Malicious cruelty to animals	Class H felony <sup>260</sup>
14-361	Instigating or promoting cruelty to animals	Class 1 misdemeanor
14-361.1	Abandonment of animals without justifiable excuse	Class 2 misdemeanor
14-362	Cock fighting	Class I felony <sup>261</sup>
14-362.1(a)	Promoting fighting or baiting of animals other than cocks or dogs	Class 2 misdemeanor <sup>262</sup>
14-362.1(b)	Possessing or training of animal other than cock or dog with intent to use in fighting exhibition	Class 2 misdemeanor
14-362.1(c)	Participating as spectator at animal fight other than cock or dog fight	Class 2 misdemeanor
14-362.1(d)	Violation of 14-362.1(a) within three years of prior conviction	Class I felony
14-362.2(a)	Promoting fighting or baiting of dog	Class H felony <sup>263</sup>

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259. See note 257.

260. This subsection states that it does not increase the punishment for cock fighting under G.S. 14-362 (which is a Class I felony).

261. G.S. 14-362 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.

262. 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.

263. G.S. 14-362.2(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. G.S. 19A-70 provides for a procedure for the court to

Statute	Description of Offense	Punishment
14-362.2(b)	Possessing or training dog with intent to use in fighting exhibition	Class H felony <sup>264</sup>
14-362.2(c)	Participating as spectator at dog fight	Class H felony <sup>265</sup>
14-362.3	Maliciously restraining dog with chain or wire grossly in excess of size necessary	Class 1 misdemeanor
14-363	Conveying animal in cruel manner	Class 1 misdemeanor

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### Article 52: Miscellaneous Police Regulations

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14-394	Sending anonymous or threatening letters	Class 1 misdemeanor
14-395.1	Sexual harassment in leasing of property	Class 2 misdemeanor
14-399(c), -399(a)	Intentional or reckless littering of not more than 15 pounds	Class 3 misdemeanor <sup>266</sup>
14-399(c1), -399(a1)	Littering of not more than 15 pounds	Infraction <sup>267</sup>
14-399(d), -399(a)	Intentional or reckless littering of more than 15 pounds but not exceeding 500 pounds	Class 3 misdemeanor <sup>268</sup>
14-399(d1), -399(a1)	Littering of more than 15 pounds but not exceeding 500 pounds	Infraction <sup>269</sup>

order a defendant charged with illegally using dogs for fighting to deposit with the clerk of court the expected costs of caring for the dogs pending disposition of the charges. These provisions cover violations of any provision of Chapter 14, Article 47 (the animal cruelty statutes), and G.S. 67-4.3 (attack by dangerous dog).

264. G.S. 19A-70 provides for a procedure for the court to order a defendant charged with illegally using dogs for fighting to deposit with the clerk of court the expected costs of caring for the dogs pending disposition of the charges. These provisions cover violations of any provision of Chapter 14, Article 47 (the animal cruelty statutes), and G.S. 67-4.3 (attack by dangerous dog).

265. See note 264.

266. G.S. 14-399(c) provides that a first offense is punishable by a fine of \$250 to \$1,000 and that a second offense within three years of a violation of G.S. 14-399(a) is punishable by a fine of \$500 to \$2,000. A sentence of imprisonment is not authorized, but for a first offense the court may require 8 to 24 hours of community service involving picking up litter or commensurate labor, and for a second offense within three years of a violation of G.S. 14-399(a) the court may require 16 to 50 hours of such community service. G.S. 14-399(f1) provides that a person found guilty of a violation of G.S. 14-399(a) while operating a motor vehicle shall receive one driver's license point under G.S. 20-16(c).

267. G.S. 14-399(c1) provides that a first offense is punishable by a penalty up to \$100 and that a subsequent offense within three years of a violation of G.S. 14-399(a1) is punishable by a penalty up to \$200. A sentence of imprisonment is not authorized, but for a first offense the court may require 4 to 12 hours of community service involving picking up litter or commensurate labor, and for a subsequent offense within three years of a violation of G.S. 14-399(a1) the court may require 8 to 24 hours of such community service. G.S. 14-399(e2) further provides that if the violation involves littering for commercial purposes or littering of hazardous waste, the court shall order the violator to remove or render harmless the litter, repair or restore property damaged by the litter or pay damages, or perform community service relating to litter.

268. G.S. 14-399(d) provides that an offense is punishable by a fine of \$500 to \$2,000. A sentence of imprisonment is not authorized, but the court shall require 24 to 100 hours of community service involving picking up litter or commensurate labor. G.S. 14-399(e2) further provides that the court shall order the violator to remove or render harmless the litter, repair or restore property damaged by the litter or pay damages, or perform community service relating to litter. G.S. 14-399(f1) provides that a person found guilty of a violation of G.S. 14-399(a) while operating a motor vehicle shall receive one driver's license point under G.S. 20-16(c).

269. G.S. 14-399(d1) provides that an offense is punishable by a penalty up to \$200. A sentence of imprisonment is not authorized, but the court may require 8 to 24 hours of community service involving picking up litter or commensurate labor. G.S. 14-399(e2) further provides that the court shall order the violator to remove the litter or render it harmless, repair or restore damaged property or pay damages, or perform community service relating to litter.

Statute	Description of Offense	Punishment
14-399(e), -399(a)	Intentional or reckless littering of more than 500 pounds or any quantity for commercial purposes, or littering of hazardous waste	Class I felony <sup>270</sup>
14-399(e1), -399(a1)	Littering of more than 500 pounds	Infraction <sup>271</sup>
14-400(a)	Tattooing of person under 18	Class 2 misdemeanor
14-400(b)	Body piercing of person under 18	Class 2 misdemeanor
14-401	Putting poisonous food or antifreeze in public place	Class 1 misdemeanor
14-401.4	Removing identifying marks on machines and apparatus	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
14-401.15	Telephone sales recovery services:	
	Engaging in	Class 1 misdemeanor
	Collecting money for	Class H felony
14-401.16(a), -401.16(c)	Contaminating food or drink to render person incapacitated or helpless	Class H felony <sup>272</sup>
14-401.16(b), -401.16(c)	Manufacture, sale, or delivery of controlled substance, or possession with intent to manufacture, sell, or deliver, for purpose of violating 14-401.16(a)	Class H felony <sup>273</sup>
14-401.17	Removing electronic dog collar:	
	First offense	Class 3 misdemeanor
	Subsequent offense	Class 2 misdemeanor
14-401.18	Sale of packages of cigarettes in violation of federal law	Class A1 misdemeanor
14-401.19	Filing false security agreement under UCC	Class I felony <sup>274</sup>

270. G.S. 14-399(e2) provides that the court shall order the violator to remove or render harmless the litter, repair or restore property damaged by the litter or pay damages, or perform community service relating to litter. G.S. 14-399(f1) provides that a person found guilty of a violation of G.S. 14-399(a) while operating a motor vehicle shall receive one driver's license point under G.S. 20-16(c). G.S. 14-399(g) provides that a motor vehicle, vessel, or other machinery involved in the disposal of more than 500 pounds of litter in violation of G.S. 14-399(a) is subject to forfeiture. G.S. 14-399(h) provides that in a civil suit for damages, the court shall order the violator to pay treble damages or \$200, whichever is greater, plus the injured party's court costs and attorneys' fees.

271. G.S. 14-399(e1) provides that an offense is punishable by a penalty up to \$300. A sentence of imprisonment is not authorized, but the court may require 16 to 50 hours of community service involving picking up litter or commensurate labor. G.S. 14-399(e2) further provides that the court shall order the violator to remove the litter or render it harmless, repair or restore damaged property or pay damages, or perform community service relating to litter.

272. G.S. 14-401.16(c) makes this offense a Class G felony if the person acted with the intent of committing an offense under G.S. 14-27.3 (second-degree rape) or G.S. 14-27.5 (second-degree sex offense).

273. See note 272.

274. For an offense committed before December 1, 2012, the punishment is a Class 2 misdemeanor.

Statute	Description of Offense	Punishment
14-401.20	Defrauding drug or alcohol screening test:	
	First offense	Class 1 misdemeanor
	Subsequent offense	Class I felony
14-401.21	Practicing rebirthing technique:	
	First offense	Class A1 misdemeanor
	Subsequent offense	Class I felony
14-401.22(a)	Failing to notify law enforcement of person's death or secretly disposing of body with intent to conceal death	Class I felony <sup>275</sup>
14-401.22(a1)	Failing to notify law enforcement of death of child under 16 or secretly disposing of dead child's body	Class H felony <sup>276</sup>
14-401.22(b)	Aiding or abetting concealing of death of person	Class A1 misdemeanor
14-401.22(c)	Human remains: <sup>277</sup>	
	Willfully disturbing	Class I felony
	Committing or attempting to commit a sexual act upon	Class I felony
14-401.22(d)	Attempting to conceal evidence of death by knowingly tampering with human remains	Class H felony <sup>278</sup>
14-401.23	Manufacture, sale, delivery, possession, or possession with intent to manufacture, sell, or deliver Salvia divinorum or Salvinorin A:	
	First or second offense	Infraction <sup>279</sup>
	Third or subsequent offense	Class 3 misdemeanor

275. Effective for offenses committed on or after December 1, 2013, S.L. 2013-52 made it a Class D felony if a person violates G.S. 14-401.22(a) knowing or having reason to know that the body or human remains are of a person who did not die of natural causes.

276. This offense was enacted by S.L. 2013-52 and is effective for offenses committed on or after December 1, 2013. It is a Class D felony if a person violates G.S. 14-401.22(a1) knowing or having reason to know that the body or human remains are of a person who did not die of natural causes.

277. This statutory violation is effective for offenses committed on or after December 1, 2011.

278. This statutory violation is effective for offenses committed on or after December 1, 2011. It is a Class D felony if a person violates G.S. 14-401.22(d) knowing or having reason to know that the body or human remains are of a person who did not die of natural causes.

279. A first or second offense of G.S. 14-401.23 is punishable by a penalty of not less than \$25. See G.S. 14-401.23(c)(1).

Statute	Description of Offense	Punishment
<b>Article 52A: Sale of Weapons in Certain Counties</b> <sup>280</sup>		
14-402(a)	Pistols: Sale, transfer, purchase, or receipt without permit Receipt through mail without permit	Class 2 misdemeanor Class 2 misdemeanor
14-404(h)	Failing to surrender permit after notice of revocation by sheriff	Class 2 misdemeanor <sup>281</sup>
14-406, -408	Failure of dealer in pistols and other weapons to keep accurate record of sales	Class 2 misdemeanor
14-408.1(b)	Knowingly soliciting a licensed or private seller to transfer a firearm or ammunition in manner known to violate the law	Class F felony <sup>282</sup>
14-408.1(c)	Providing false information to licensed or private seller of firearms or ammunition with intent to deceive	Class F felony <sup>283</sup>
14-409	Sale or possession of machine gun	Class I felony
<b>Article 54: Sale, etc., of Pyrotechnics</b>		
14-410(a), -415	Making, selling, or using certain fireworks	Class 2 misdemeanor <sup>284</sup>
14-410(b), -415	Selling certain pyrotechnics to person under 16	Class 2 misdemeanor
<b>Article 54A: The Felony Firearms Act</b>		
14-415.1	Possession of firearm by felon	Class G felony
14-415.3	Possession of firearm by person acquitted by reason of insanity or found without capacity to proceed	Class H felony <sup>285</sup>
14-415.4(l)	Knowingly submitting false information in petition to restore firearm rights	Class 1 misdemeanor <sup>286</sup>
<p>280. Although the title of Article 52A states that it applies to certain counties, the article appears to apply statewide. <i>See</i> John Rubin, <i>1995 Legislation Affecting Criminal Law and Procedure</i>, ADMINISTRATION OF JUSTICE BULLETIN 95/03, at 4 (Institute of Government, Sept. 1995), <a href="http://sogpubs.unc.edu/electronicversions/pdfs/aojb9503.pdf?">http://sogpubs.unc.edu/electronicversions/pdfs/aojb9503.pdf?</a> (in repealing Art. 53 of Chapter 14, which authorized clerks of court to issue weapon permits in certain counties, General Assembly gave sheriffs sole responsibility for issuing permits under Article 52A). <i>But see</i> the commentary to G.S. 14-402 (stating that Article 52A does not apply to Warren or Watauga counties).</p> <p>281. This statutory provision was enacted by S.L. 2013-369 and is effective for offenses committed on or after October 1, 2013.</p> <p>282. This statutory violation is effective for offenses committed on or after December 1, 2011. A person who induces another to engage in conduct prohibited by G.S. 14-408.1 is accountable as a principal. <i>See</i> G.S. 14-408.1(d).</p> <p>283. <i>See</i> note 282.</p> <p>284. A pyrotechnics violation involving an indoor exhibition is a Class 1 misdemeanor. <i>See</i> G.S. 14-415.</p> <p>285. Any weapon seized for a violation of G.S. 14-415.3 must be forfeited to the state.</p> <p>286. This statutory violation is effective for offenses committed on or after February 1, 2011. A person convicted under G.S. 14-415.4(l) is permanently prohibited from petitioning to restore his or her firearms rights.</p>		



Statute	Description of Offense	Punishment
<b>Article 54B: Concealed Handgun Permit</b>		
14-415.21(a)	Carrying concealed handgun after having been issued valid permit and failing to carry permit or failing to make required disclosures to law enforcement officer	Infraction <sup>287</sup>
14-415.21(a1)	Carrying concealed handgun after having been issued valid permit and carrying concealed handgun in violation of 14-415.11(c)(8) (private premises where concealed handgun prohibited) or 14-415.21(c2) (alcohol or controlled substances ban)	Class 1 misdemeanor <sup>288</sup>
14-415.21	Violation of Article 54B other than violation covered by 14-415.21(a) or 14-415.21(a1)	Class 2 misdemeanor
14-415.26(d)	Intentional misrepresentation by applicant, or person assisting applicant for certification, to carry concealed handgun	Class 2 misdemeanor <sup>289</sup>
<b>Article 55: Regulation of Certain Reptiles</b>		
14-422(a)	Violation of any provision of Article 55	Class 2 misdemeanor
14-422(b)	Person suffers life-threatening injury or is killed as a result of violation of Article 55 by owner of reptile	Class A1 misdemeanor
14-422(c)	Intentionally releasing into wild nonvenomous reptile, large constricting snake, or crocodylian	Class A1 misdemeanor
<b>Article 58: Records, Tapes, and Other Recorded Devices</b>		
14-433, -437	Recording live performances or recorded sounds and distribution of such recordings	Class 1 misdemeanor <sup>290</sup>
<b>Article 58A: Audiovisual Recordings</b>		
14-440.1(a1)	Pirating movie in theater by photographic camera to record or transmit not greater than one image	Class 1 misdemeanor

287. In lieu of paying a penalty, the person may surrender the handgun permit. For an offense committed before December 1, 2011, the punishment for a first offense is an infraction and the punishment for a subsequent offense is a Class 2 misdemeanor.

288. This statutory subsection was enacted by S.L. 2013-369 and is effective for offenses committed on or after October 1, 2013. For an offense committed before October 1, 2013, it is a Class 2 misdemeanor under G.S. 415.21(b).

289. A violation results in the immediate revocation of the certification to carry a concealed handgun and renders the person ineligible for certification and a concealed handgun permit.

290. It is a Class I felony with a maximum \$150,000 fine if the offense (1) involves at least 100 unauthorized articles during any 180-day period or (2) is a third or subsequent conviction of an offense involving at least 26 unauthorized articles during any 180-day period. A conviction of any violation of Article 58A requires the forfeiture and destruction of the infringing articles and devices used in their manufacture.

Statute	Description of Offense	Punishment
14-440.1(b), -440.1(c)	Pirating movie in theater by video camera. <sup>291</sup>	
	First offense	Class I felony with minimum \$2,500 fine
	Subsequent offense	Class I felony with minimum \$5,000 fine
<b>Article 59: Public Intoxication</b>		
14-444	Intoxicated and disruptive in public	Class 3 misdemeanor <sup>292</sup>
<b>Article 60: Computer-Related Crime</b>		
14-454(a)	Accessing of computer to defraud or obtain property by false pretenses:	
	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)	Unauthorized accessing of computer for purpose other than in 14-454(a)	Class 1 misdemeanor
14-454.1(a)	Accessing of government computer to defraud or obtain property by false pretenses	Class F felony
14-454.1(b)	Accessing of government computer for purpose other than in 14-454.1(a)	Class H felony
14-454.1(c)	Accessing of educational testing materials or scores in government computer	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
14-455(a1)	Damaging government computer	Class F felony
14-456	Denying computer services to authorized user	Class 1 misdemeanor
14-456.1	Denying government computer services to authorized user	Class H felony
14-457	Threatening to damage computer or computer program with intent to extort	Class H felony

291. Upon a conviction of a violation of G.S. 14-440.1(b), the court must order the forfeiture and destruction of unauthorized recordings and devices used in connection with the offense.

292. 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
14-458	Computer trespass:	
	Resulting in property damage of \$2,500 or more	Class I felony
	Resulting in property damage of less than \$2,500	Class 1 misdemeanor
	Resulting in no property damage	Class 3 misdemeanor
14-458.1(a), -458.1(b)	Cyberbullying: <sup>293</sup>	
	When defendant is 18 or older at time of offense	Class 1 misdemeanor
	When defendant is under 18 at time of offense	Class 2 misdemeanor
14-458.2(b), -458.2(c)	Cyberbullying of school employee by a student	Class 2 misdemeanor <sup>294</sup>

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### Article 61: Trains and Railroads

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14-460	Riding on train unlawfully	Class 3 misdemeanor
14-461	Unauthorized manufacture or sale of switch-lock keys	Class 1 misdemeanor

## Chapter 15A: Criminal Procedure Act

### Article 13: DNA Database and Databank

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15A-268(i)	Knowingly tampering with evidence preserved under 15A-268	
	When evidence is for noncapital case	Class I felony
	When evidence is for first-degree murder case	Class H felony

### Article 16: Electronic Surveillance<sup>295</sup>

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15A-287(a)(1)	Unauthorized interception of communication	Class H felony
15A-287(a)(2)	Unauthorized use of device to intercept oral communication	Class H felony
15A-287(a)(3)	Disclosure of unlawfully intercepted communication	Class H felony
15A-287(a)(4)	Use of unlawfully intercepted communication	Class H felony

293. Effective for offenses committed on or after December 1, 2012, the descriptions for cyberbullying offenses in G.S. 14-458.1(a)(3), (a)(5), and (a)(6) were amended. A defendant under G.S. 14-458.1(c) is eligible for discharge, dismissal, and expunction of an offense committed before the defendant turned 18. *See* John Rubin, RELIEF FROM A CRIMINAL CONVICTION: A DIGITAL GUIDE TO EXPUNCTIONS, CERTIFICATES OF RELIEF, AND OTHER PROCEDURES IN NORTH CAROLINA (UNC School of Government, 2012), [www.sog.unc.edu/node/2588](http://www.sog.unc.edu/node/2588).

294. This statutory violation is effective for offenses committed on or after December 1, 2012. A defendant is eligible for discharge, dismissal, and expunction of an offense committed before the defendant turned 18. *See* G.S. 14-458.2(d); John Rubin, RELIEF FROM A CRIMINAL CONVICTION: A DIGITAL GUIDE TO EXPUNCTIONS, CERTIFICATES OF RELIEF, AND OTHER PROCEDURES IN NORTH CAROLINA (UNC School of Government, 2012), [www.sog.unc.edu/node/2588](http://www.sog.unc.edu/node/2588). A juvenile may enter into a diversion contract under G.S. 7B-1706. *See* G.S. 14-458.2(e). Unless the superintendent decides otherwise, a student convicted under G.S. 14-458.2 must be transferred, pursuant to G.S. 115C-366.4, to another school in the local school administrative unit. If no other school is appropriate, the student must be transferred to a different class or teacher.

295. G.S. 15A-287(g) provides that a public officer who violates G.S. 15A-287(a) shall be removed from and shall be ineligible to hold any public office, elective or appointed.

Statute	Description of Offense	Punishment
<b>Article 26: Bail</b>		
15A-543(b)(1)	Failing to appear after release in connection with felony	Class I felony
15A-543(b)(2)	Failing to appear after release following conviction in superior court	Class I felony
15A-543(c)	Failing to appear after release in connection with misdemeanor	Class 2 misdemeanor
<b>Article 48: Discovery in the Superior Court</b>		
15A-903(d)	Discovery violations: <sup>296</sup>	
	Pursuant to 15A-903(a)(1)	Class H felony
	Pursuant to 15A-903(c)	Class H felony
	Pursuant to any other provision in 15A-903	Class 1 misdemeanor
<b>Article 81D: Permanent No Contact Order against Convicted Sex Offender</b>		
15A-1340.50(g)	Convicted sex offender knowingly violating a permanent no contact order	Class A1 misdemeanor
<b>Chapter 15C: Address Confidentiality Program</b>		
15C-9(f)	Disclosing information in violation of Chapter 15C	Class 1 misdemeanor <sup>297</sup>
<b>Chapter 18B: Regulation of Alcoholic Beverages<sup>298</sup></b>		
18B-102	Manufacture, sale, transport, import, delivery, furnishing, purchase, consumption, or possession of alcoholic beverages except as authorized by Chapter 18B	Class 1 misdemeanor
18B-111, -102(b)	Possession, transportation, or sale of nontaxpaid alcoholic beverage	Class 1 misdemeanor <sup>299</sup>
18B-300(a1), -102(b)	Consumption on premises during time of permit revocation or suspension	Class 1 misdemeanor <sup>300</sup>

296. G.S. 15A-903(d) is effective for offenses committed on or after March 31, 2011.

297. A person convicted of this offense must be assessed a fine of not more than \$2,500.

298. 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.” G.S. 18B-102(b) provides that in addition to any fine and sentence of imprisonment, 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; also restricts contracting abilities of convicted individuals), 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 alcoholic beverage control (ABC) laws by a permittee.

299. The Division of Motor Vehicles (hereafter, DMV) has the discretionary authority to revoke a defendant’s driver’s license for up to six months under G.S. 20-16(a)(8) for a conviction of illegal transportation of alcoholic beverages.

300. This statutory subsection was enacted by S.L. 2013-392 and is effective for offenses committed on or after December 1, 2013.

Statute	Description of Offense	Punishment
18B-300(b), -102(b)	Consumption of wine or beer on premises having only off-premises permit	Class 1 misdemeanor
18B-301(f)(1), -102(b)	Consumption of fortified wine, spirituous liquor, or mixed beverage on ABC store premises, local board property, or 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-301(f)(7), -102(b)	Possession or consumption of beer or wine on school property of local board of education	Class 1 misdemeanor
18B-302(a), -302.1(a)	Sale of alcoholic beverage to person under 21	Class 1 misdemeanor <sup>301</sup>
18B-302(a1), -302.1(a)	Giving alcoholic beverage to person under 21	Class 1 misdemeanor <sup>302</sup>
18B-302(b)(1), -302(i), -102(b)	Purchase, attempted purchase, or possession of beer or unfortified wine: <sup>303</sup>  By person 19 or 20 years old  By person under 19	Class 3 misdemeanor  Class 1 misdemeanor
18B-302(b)(2), -102(b)	Purchase, attempted purchase, or possession of fortified wine, spirituous liquor, or mixed beverage by person under 21	Class 1 misdemeanor <sup>304</sup>
18B-302(b)(3), -302(i), -102(b)	Consumption of alcoholic beverage: <sup>305</sup>  By person 19 or 20  By person under 19	Class 3 misdemeanor  Class 1 misdemeanor
18B-302(c)(1)	Aiding violation of 18B-302(a), (a1), or (b) if aider is under 21	Class 2 misdemeanor <sup>306</sup>

301. If the court does not impose an active punishment, it must impose at least a \$250 fine and 25 hours of community service for a first violation and at least a \$500 fine and 150 hours of community service for a subsequent violation within four years of a previous conviction. G.S. 18B-302.2, enacted by S.L. 2013-23 and effective April 9, 2013, provides that a person under 21 shall not be prosecuted for a violation of G.S. 18B-302 for possessing or consuming alcoholic beverages if law enforcement becomes aware of the possession or consumption of alcohol by the person solely because the person was seeking medical assistance on behalf of another.

302. See note 301. A conviction of this offense results in a mandatory one-year DMV driver's license revocation under G.S. 18B-302(g) and G.S. 20-17.3. A defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

303. A conviction of this offense, if it involves purchase or attempted purchase, results in a one-year revocation of the person's driver's license under G.S. 18B-302(g) and G.S. 20-17.3. If the offense involves possession, G.S. 15A-145 allows expunction of the conviction in certain circumstances. See note 301 for the immunity provision in G.S. 18B-302.2.

304. A conviction of this offense, if it involves purchase or attempted purchase, results in a mandatory one-year revocation of the person's driver's license under G.S. 18B-302(g) and G.S. 20-17.3. A defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a). See note 301 for the immunity provision in G.S. 18B-302.2.

305. See note 301 for the immunity provision in G.S. 18B-302.2.

306. See note 301 for the immunity provision in G.S. 18B-302.2. G.S. 20-17.3 requires DMV to revoke for one year the driver's license of a person convicted of violating G.S. 18B-302(c). G.S. 18B-302(c) in turn makes it unlawful to aid or abet

Statute	Description of Offense	Punishment
18B-302(c)(2), -302.1(b)	Aiding violation of 18B-302(a), (a1), or (b) if aider is 21 or older	Class 1 misdemeanor <sup>307</sup>
18B-302(e), -102(b)	Fraudulent use of identification: <sup>308</sup> To enter or attempt to enter place where alcoholic beverages are sold or consumed To obtain or attempt to obtain alcoholic beverage To obtain or attempt to obtain permission to purchase alcoholic beverages	Class 1 misdemeanor Class 1 misdemeanor Class 1 misdemeanor
18B-302(f), -102(b)	Allowing use of identification by person who violates or attempts to violate 18B-302(b)	Class 1 misdemeanor <sup>309</sup>
18B-303, -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-305(a), -102(b)	Selling or giving alcoholic beverage to intoxicated person by permittee or ABC store employee	Class 1 misdemeanor
18B-307, -102(b)	Manufacture of alcoholic beverage without permit: First offense Subsequent offense	Class 1 misdemeanor Class I felony
18B-401(a)	Transportation of alcoholic beverage: Transportation of open bottle of fortified wine or spirituous liquor in passenger area Consumption of beer or unfortified wine by driver of motor vehicle	Class 3 misdemeanor <sup>310</sup> Class 3 misdemeanor

another in a violation of G.S. 18B-302(a), (a1), or (b). G.S. 18B-302(g) requires the court to file a conviction report with DMV if the person is convicted of a violation of G.S. 18B-302(a1), 18B-302(b) (but only if the violation occurred while the person was purchasing or attempting to purchase an alcoholic beverage), or 18B-302(c), (e), or (f). Thus, it appears that a person's license may be revoked for aiding and abetting the gift to or purchase of alcoholic beverages by an underage person, but it may not be revoked for the sale of alcoholic beverages to an underage person (prohibited by G.S. 18B-302(a)) or the consumption of alcoholic beverages by an underage person (prohibited by G.S. 18B-302(b)(3)). A defendant subject to one of these mandatory revocations must surrender his or her driver's license to the court as required by G.S. 20-24(a).

307. If the court does not impose an active punishment, it must impose at least a \$500 fine and 25 hours of community service for a first violation and at least a \$1,000 fine and 150 hours of community service for a subsequent violation within four years of a previous conviction. See note 301 for the immunity provision in G.S. 18B-302.2. A conviction of this offense results in a one-year mandatory DMV driver's license revocation under G.S. 18B-302(g) and G.S. 20-17.3. (See the limitations on the scope of this revocation discussed in note 304, which apply equally to this offense.) The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

308. See note 301 for the immunity provision in G.S. 18B-302.2. A conviction of this offense results in a mandatory one-year DMV driver's license revocation under G.S. 18B-302(g) and G.S. 20-17.3. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

309. See note 301 for the immunity provision in G.S. 18B-302.2. A conviction of this offense results in a mandatory one-year DMV driver's license revocation under G.S. 18B-302(g) and G.S. 20-17.3. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

310. DMV has the discretionary authority to revoke a defendant's driver's license for up to six months under G.S. 20-16(a)(8) for a conviction of illegal transportation of alcoholic beverages.

Statute	Description of Offense	Punishment
18B-403.1(a), -303(b), -102(b)	Failure of purchaser to obtain purchase-transportation permit for keg of malt beverage	Class 1 misdemeanor
18B-403.1(b), -403.1(e), -102(b)	Violation by seller of permit requirements for purchase of keg of malt beverage: First violation Subsequent violation	Warning Class 1 misdemeanor
18B-406, -102(b)	Transportation of unauthorized amount of alcoholic beverage	Class 1 misdemeanor <sup>311</sup>
18B-702(w)	Embezzlement by employee of local ABC Board	Class H felony
18B-1004, -102(b)	Selling or consuming alcoholic beverage after hours on licensed premises	Class 1 misdemeanor
18B-1005, -102(b)	Allowing violation of Chapter 18B, fighting, disorderly conduct, controlled substances violation, gambling, prostitution, or other unlawful act on licensed premises	Class 1 misdemeanor
18B-1005.1, -102(b)	Allowing sexually explicit conduct on licensed premises	Class 1 misdemeanor

## Chapter 18C: North Carolina State Lottery

18C-131(d)	Lotteries: Selling lottery ticket to person under 18 Purchasing of lottery ticket by person under 18	Class 1 misdemeanor Class 1 misdemeanor
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## Chapter 19: Offenses against Public Morals

### Article 1: Abatement of Nuisances

19-4	Violation of abatement-of-nuisance injunction	Three to six months' imprisonment, \$200 to \$1,000 fine, or both
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## Chapter 19A: Protection of Animals

### Article 3: Animal Welfare Act

19A-33	Operating pet shop, kennel, or auction without license	Class 3 misdemeanor, but limited to \$5 to \$25 fine <sup>312</sup>
19A-34	Acting as dealer without license	Class 2 misdemeanor <sup>313</sup>

311. See note 310.

312. Each day's operation without a license is a separate offense.

313. Upon conviction, animals in possession of the unlicensed dealer are subject to sale or euthanasia in the discretion of the Director of the Animal Welfare Section of the Department of Agriculture and Consumer Services.

Statute	Description of Offense	Punishment
19A-35	Failing to adequately care for animals	Class 3 misdemeanor and fine of not less than \$5 per animal up to total of \$1,000 <sup>314</sup>
19A-36	Violation of Article 3 by dog warden	Class 3 misdemeanor and \$50 to \$100 fine <sup>315</sup>

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#### Article 4: Animal Cruelty Investigators

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19A-48	Interfering with animal cruelty investigator	Class 1 misdemeanor
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### Chapter 20: Motor Vehicles

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All Class A through E felonies under Chapter 14 and all other chapters of the General Statutes are covered under the Crime Victims' Rights Act (CVRA) (G.S. 15A-830 through -841). This chart specifically notes only the other crimes (that is, certain non-Class A through E felonies and misdemeanors) also included under the CVRA. For a complete list of crimes subject to the CVRA, see Appendix A.

Footnotes to Chapter 14, Chapter 20, and other chapters in this chart set out the driver's license revocations associated with particular offenses. For a complete list of these offenses and additional information about them, see Appendix C.

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#### Driver's License Violations

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##### *Driving without License or Violating Restrictions*

20-7(a), -35	Operating motor vehicle without North Carolina license	Class 3 misdemeanor <sup>316</sup>
20-7(a), -35	Driving class of motor vehicle that driver's license does not entitle person to drive	Class 3 misdemeanor <sup>317</sup>
20-7(a), -35	Failure to carry license while operating motor vehicle	Infraction <sup>318</sup>
20-7(a1), -35	Operating motorcycle without having proper driver's license endorsement	Class 2 misdemeanor

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314. See note 313.

315. Each animal handled in a violation of the article is a separate offense.

316. The punishment for this offense was changed by S.L. 2013-385 to a Class 3 misdemeanor, effective for offenses committed on or after December 1, 2013. For an offense committed before that date, it is a Class 2 misdemeanor.

317. It can be argued that Section 4 of S.L. 2013-385 did not specifically reduce this violation from a Class 2 misdemeanor to a Class 3 misdemeanor by stating in amended G.S. 20-35(a1) that it is a Class 3 misdemeanor when there is a "[f]ailure to obtain a license before driving a motor vehicle, in violation of G.S. 20-7(a)," because a person who commits this offense had a license but just not for the vehicle driven. Thus, this offense could be considered to fall within the catchall category in G.S. 20-35(a) (providing that a violation of Article 2 of Chapter 20 is a Class 2 misdemeanor unless a statute provides for different punishment). On the other hand, it can be argued that the language in S.L. 2013-385 could reasonably be interpreted to include failure to obtain a license for the motor vehicle driven. Given the ambiguity, this publication takes the position that the lesser punishment applies to a defendant who is charged with this violation. For offenses committed on or after December 1, 2013, this violation is a Class 3 misdemeanor. For an offense committed before that date, it is a Class 2 misdemeanor.

318. S.L. 2013-385 changed this violation to an infraction, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 2 misdemeanor.



Statute	Description of Offense	Punishment
20-7(e), -35	Operating motor vehicle in violation of driver's license restriction	Class 3 misdemeanor <sup>319</sup>
20-7(f), -35	Operating motor vehicle with expired driver's license	Infraction <sup>320</sup>
20-7(l), -7(m), -35	Operating motor vehicle in violation of restriction on instruction or learner's permit	Class 2 misdemeanor
20-7.1, -35	Failure to notify DMV of change of address on driver's license	Infraction <sup>321</sup>
<i>Age Limits</i>		
20-10, -35	Operating public passenger vehicle if under age 18	Class 2 misdemeanor
20-10, -35	Person age 14 or under operating any road machine, tractor, etc., on highway	Class 2 misdemeanor
20-10.1, -35	Person under age 16 driving moped on highway or public vehicular area	Class 2 misdemeanor
20-11(c) through -11(l), -35	Holder of limited learner's permit, temporary permit, or limited provisional license driving motor vehicle in violation of restrictions applicable to permit or license	Class 3 misdemeanor <sup>322</sup>
<i>Impaired Driving Instructor</i>		
20-12.1	Instructing driver while impaired <sup>323</sup>	Class 2 misdemeanor
<i>Driving with Suspended or Revoked License</i> <sup>324</sup>		
20-16.1(b)(4), -28(a)	Violating limited driving privilege for excessive speeding	Class 3 misdemeanor <sup>325</sup>
20-21	Operating motor vehicle with license issued by another jurisdiction when driver's license or privilege to drive in North Carolina is suspended or revoked	See punishment under 20-28(a), below

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319. See note 316.

320. See note 318.

321. See note 318.

322. G.S. 20-11(l) provides that failure to comply with a restriction concerning the time of driving or the presence of a supervising driver in the vehicle constitutes operating a motor vehicle without a license, which is also a Class 3 misdemeanor. See note 316. Failing to comply with the restriction concerning the use of a mobile telephone while operating a motor vehicle is an infraction punishable by a fine of \$25. Failing to comply with any other restriction, including seating and passenger limitations, is an infraction punishable by a penalty as provided in G.S. 20-176, which is not more than \$100.

323. G.S. 20-16(8a) authorizes DMV to suspend the defendant's driver's license for a period of up to one year under G.S. 20-19(c). This offense is an implied consent offense under G.S. 20-16.2.

324. On receiving notice of a conviction of a moving offense when a person's driving license was suspended or revoked, except a conviction under G.S. 20-28(a1) (driving without reclaiming license), DMV must revoke a person's driving license for an additional period: one year for a first revocation, two years for a second revocation, and permanently for a third or subsequent revocation.

325. Under G.S. 20-16.1(b)(4), the punishment for this offense is the same as for driving while license suspended under G.S. 20-28(a). The punishment for G.S. 20-28(a) was changed to a Class 3 misdemeanor by S.L. 2013-360, effective for offenses committed on or after December 1, 2013. For an offense committed before that date, it is a Class 1 misdemeanor. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

Statute	Description of Offense	Punishment
20-28(a)	Driving while license is suspended or revoked <sup>326</sup>	
	License originally revoked for impaired driving	Class 1 misdemeanor
	License originally revoked for any other reason	Class 3 misdemeanor <sup>327</sup>
20-28(a), -7, -35	Driving vehicle by restoree of suspended or revoked license without requisite financial responsibility	Class 3 misdemeanor <sup>328</sup>
20-28(a1), -7, -35	Driving without reclaiming revoked driver's license <sup>329</sup>	Class 3 misdemeanor <sup>330</sup>
20-28(a2), -7, -35	Driving after notification or failure to appear <sup>331</sup>	Class 1 misdemeanor <sup>332</sup>
20-28(d), -28(a)	Driving motor vehicle while person is disqualified and driver's license is revoked <sup>333</sup>	
	License originally revoked for impaired driving	Class 1 misdemeanor
	License originally revoked for any other reason	Class 3 misdemeanor
20-28(d)	Driving commercial motor vehicle during disqualification period	Class 1 misdemeanor <sup>334</sup>

326. For a first offense under this section, the license is revoked for an additional year; for a second offense, two additional years; for a third or subsequent offense, permanent revocation. The defendant must surrender his or her driver's license to the court. The licensee is entitled to apply for restoration of the license early according to the schedule set forth in G.S. 20-28(c).

327. The punishment for driving while license suspended or revoked for any revocation other than for impaired driving was changed to a Class 3 misdemeanor by S.L. 2013-360, effective for offenses committed on or after December 1, 2013. For an offense committed before that date, it is a Class 1 misdemeanor. The defendant must surrender his or her driver's license to the court.

328. Under G.S. 20-28(a), the punishment for this offense is the same as for driving without a license (G.S. 20-7), which is punishable under G.S. 20-35. The punishment for driving without a license was changed from a Class 2 misdemeanor to a Class 3 misdemeanor by S.L. 2013-360, effective for offenses committed on or after December 1, 2013. If this offense was committed before December 1, 2013, it is a Class 2 misdemeanor.

329. This statute involves reclaiming a driver's license after an immediate civil revocation for impaired driving under G.S. 20-16.5 and revocations for child support matters under G.S. 50-13.12 and G.S. 110-142.2.

330. Under G.S. 20-28(a1), the punishment for this offense is the same as for driving without a license (G.S. 20-7), which is punishable under G.S. 20-35. The punishment for driving without a license was changed from a Class 2 misdemeanor to a Class 3 misdemeanor by S.L. 2013-360, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 2 misdemeanor.

331. This offense involves either an impaired driver's license revocation or an implied consent offense.

332. After a conviction, the person's driver's license must be revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a). G.S. 20-28(a2) also provides that the restoree of a revoked driver's license who operates a motor vehicle on a highway without maintaining financial responsibility is punished as for driving without a license, which would be a Class 3 misdemeanor for offenses committed on or after December 1, 2013, and a Class 2 misdemeanor for offenses committed before December 1, 2013.

333. The statute states that this violation "is punishable as provided in the other subsections of this section," which presumably means under G.S. 20-28(a).

334. For disqualification periods upon conviction, see G.S. 20-28(d)(1) through (3). The defendant must surrender his or her commercial driver's license to the court as required by G.S. 20-24(a). A defendant's Class C driver's license is not surrendered.

Statute	Description of Offense	Punishment
<i>Illegal Activity Relating to License</i>		
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	Class 2 misdemeanor
20-29	Motor vehicle driver involved in accident refusing to give information required by statute	Class 2 misdemeanor
20-29.1, -7(a), -35	Failing to observe restrictions imposed by DMV about kinds of motor vehicles licensee may operate	Class 3 misdemeanor <sup>335</sup>
20-30(1), -35	Displaying or possessing any license or learner's permit known to be invalid	Class 2 misdemeanor <sup>336</sup>
20-30(2), -35	Counterfeiting, selling, lending, or knowingly permitting use of driver's license or learner's permit by one not entitled to do so	Class 2 misdemeanor <sup>337</sup>
20-30(3), -35	Displaying or representing as one's own a license not issued to person displaying it	Class 2 misdemeanor <sup>338</sup>
20-30(4)	Refusing to surrender to DMV a driver's license that has been revoked or suspended	Class 2 misdemeanor
20-30(5)	Using or allowing another to use false name or address in license application or renewal	Class 1 misdemeanor <sup>339</sup>
20-30(5)	Making false statement, concealing material fact, or otherwise committing fraud in applying for license or permit	Class 1 misdemeanor <sup>340</sup>
20-30(6), -35	Reproducing or possessing reproduced copy of license or permit	Class 2 misdemeanor
20-30(7)	Offering simulated license for sale	Class I felony
20-30(8), -35	Possession of more than one commercial driver's license or possession of commercial driver's license and regular driver's license	Class 2 misdemeanor
20-30(9)	Use of false license or permit in commission of felony	Class I felony

335. S.L. 2013-385 changed this violation to a Class 3 misdemeanor, effective for offenses committed on or after December 1, 2013. An offense committed before December 1, 2013, is a Class 2 misdemeanor.

336. Under G.S. 20-16(a)(6) and G.S. 20-19(c), DMV may suspend a person's license for not more than one year for conviction of this offense.

337. See note 336.

338. See note 336.

339. Under G.S. 20-17(a)(8) and G.S. 20-19(f), DMV must revoke a person's license for one year when convicted of this offense. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

340. See note 339. Also, if a person falsely certifies to DMV under G.S. 20-9(i)(3) that he or she does not appear on the National Sex Offender Public Registry, that person violates G.S. 20-30 and DMV must immediately revoke the person's driver's license after determining that the person does appear in the registry. G.S. 20-9(i)(4).

Statute	Description of Offense	Punishment
20-31	Making false affidavit or knowingly swearing falsely to any matter required to be sworn to by statute	Class I felony <sup>341</sup>
20-32, -35	Causing or permitting unlicensed minor to drive on highway	Class 2 misdemeanor
20-34, -35	Allowing motor vehicle to be driven in violation of driver's license law	Class 3 misdemeanor <sup>342</sup>
<i>Parking Privileges for Handicapped Drivers</i>		
20-37.6(c3), -176	Selling handicapped license plate or windshield placard	Class 2 misdemeanor
20-37.6(e)(1), -37.6(f)(1)	Parking in handicapped space without displaying handicapped license tag or windshield placard	Infraction <sup>343</sup>
20-37.6(e)(2), -37.6(f)(1)	Using or attempting to use handicapped license tag or windshield placard when not entitled to do so	Infraction <sup>344</sup>
20-37.6(e)(3), -37.6(f)(1)	Parking in front of handicapped ramp or curb cut	Infraction <sup>345</sup>
20-37.6(e)(4), -37.6(f)(2)	Use of signs not conforming to 30-37.6(d) by person responsible for designating parking spaces as handicapped	Infraction <sup>346</sup>
<i>Special I.D. Card</i>		
20-37.7, -37.7(e)	Engaging in fraud or misrepresentation in applying for or using special identification card	Class 2 misdemeanor

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### Commercial Driver's Licenses

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20-37.12(a), -37.21(a)	Driving commercial vehicle without valid commercial driver's license with applicable endorsements	Class 3 misdemeanor <sup>347</sup>
20-37.12(b), -37.21(a)	Driving commercial vehicle in violation of out-of-service order	Class 3 misdemeanor <sup>348</sup>
20-37.18(a), -37.21(b)	Possessing commercial driver's license and failing to notify DMV within 30 days of traffic conviction	Infraction <sup>349</sup>

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341. Under G.S. 20-17(a)(5), G.S. 20-17(a)(8), and G.S. 20-19(f), DMV must revoke a defendant's license for one year upon conviction of this offense. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

342. This violation was changed by S.L. 2013-385 to a Class 3 misdemeanor, effective for offenses committed on or after December 1, 2013. It is a Class 2 misdemeanor for offenses committed before December 1, 2013.

343. This infraction is punishable by a penalty of at least \$100 but not more than \$250.

344. See note 343.

345. See note 343.

346. See note 343.

347. A violation is punishable by a fine of not less than \$250 for a first offense and not less than \$500 for a second or subsequent offense.

348. See note 347.

349. A violation of this infraction is punishable by a penalty of not less than \$200 and not more than \$500.

Statute	Description of Offense	Punishment
20-37.18(b), -37.21(b)	Possessing commercial driver’s license and failing to notify employer within 30 days of traffic conviction	Infraction <sup>350</sup>
20-37.18(c), -37.21(b)	Failure to notify employer on next business day that commercial driver’s license has been suspended, revoked, or canceled or that privilege to drive commercial vehicle has been lost	Infraction <sup>351</sup>
20-37.19(a), -37.21(c)	Failure to require employee to notify employer that commercial driver’s license has been suspended, revoked, or canceled or privilege lost	Infraction <sup>352</sup>
20-37.19(b)(1), -37.21(c)	Knowingly allowing, permitting, or authorizing driver to drive commercial vehicle while commercial license has been suspended, revoked, or canceled, etc.	Infraction <sup>353</sup>
20-37.19(b)(2), -37.21(c)	Knowingly allowing, permitting, or authorizing driver to drive commercial vehicle when driver has more than one driver’s license	Infraction <sup>354</sup>
20-37.19(b)(3), -37.21(c)	Knowingly allowing, permitting, or authorizing driver to drive commercial vehicle when driver, commercial motor vehicle being operated, or motor carrier operation is subject to out-of-service order	Infraction <sup>355</sup>

**Vehicle Registration**

20-50, -176(a), -176(c)	Owning a vehicle that is not registered with DMV or that is not displaying current registration plates	Class 2 misdemeanor
20-57(c), -176(a1)	Failure to sign, display, or carry registration card	Infraction <sup>356</sup>
20-62.1	Violating requirements involving purchasing vehicles for scrap or parts only	Class I felony <sup>357</sup>
20-63(a)	Willfully failing to surrender illegible registration	Class 2 misdemeanor
20-63(d), -176(a), -176(c)	Failing to place registration plate at proper place on motor vehicle	Class 2 misdemeanor
20-63(e)	Failing to clean registration plates after being requested to do so by an officer	Class 3 misdemeanor

350. See note 349.

351. See note 349.

352. A violation of this infraction is punishable by a penalty of not less than \$500 and not more than \$1,000.

353. See note 352.

354. See note 352.

355. See note 352.

356. S.L. 2013-385 changed the violation to an infraction, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 2 misdemeanor.

357. S.L. 2013-323 changed the punishment to a Class I felony, effective for offenses committed on or after December 1, 2013, and required a minimum \$1,000 fine. For an offense committed before December 1, 2013, it is a Class 1 misdemeanor.

<b>Statute</b>	<b>Description of Offense</b>	<b>Punishment</b>
20-63(f)	Willfully operating motor vehicle with registration plate that has been altered	Class 2 misdemeanor
20-63(g)	Willfully altering, disguising, or concealing numbers on registration plate	Class 2 misdemeanor
20-67, -176(a1)	Failure to notify DMV of address change for vehicle registration card within 60 days after change occurs	Infraction <sup>358</sup>
20-71(a), -177	Altering certificate of title, registration card, or application for such with fraudulent intent	Class I felony
20-71(a), -177	Forging or counterfeiting certificate of title or registration card	Class I felony
20-71(a), -177	Knowingly using an altered, forged, or falsified certificate of title or registration card	Class I felony
20-71(b)	Possessing or reproducing blank North Carolina certificate of title or facsimile with fraudulent intent	Class I felony
<b>Salvage Titles</b>		
20-71.4(a), -71.4(d)	Failing to disclose damage to vehicle	Class 2 misdemeanor
<b>Transfer of Title or Interest</b>		
20-72(b)	Delivering or accepting certificate of title assigned in blank	Class 2 misdemeanor
20-72(b)	Filing false sworn certification with DMV under 20-72(b)	Class H felony
20-73(a)	Failing to apply for certificate of title within required time	Class 2 misdemeanor <sup>359</sup>
20-74	Knowingly making false statement about date vehicle was sold or acquired	Class 3 misdemeanor
20-75, -176(a), -176(c)	Dealer failing to deliver certificate of title	Class 2 misdemeanor
20-77(d)	Failing to report vehicle as unclaimed to DMV	Class 3 misdemeanor
<b>Dealer Plates</b>		
20-79(e)(1)	Driving a vehicle with dealer license plates in violation of restrictions	Infraction
20-79.1, -176(a), -176(c)	Improper use of temporary registration plates or markers	Class 2 misdemeanor

358. S.L. 2013-385 changed the punishment to an infraction, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 2 misdemeanor.

359. DMV may also impose a \$15 civil penalty.

Statute	Description of Offense	Punishment
<b>Marking Business Vehicles</b>		
20-101, -176(a), -176(c)	Failing to mark certain business vehicles	Class 2 misdemeanor
<b>Car Theft and Related Offenses</b>		
20-102.1	Knowingly making false report of vehicle theft to DMV or officer	Class 2 misdemeanor
20-106	Receiving or transferring stolen vehicle	Class H felony <sup>360</sup>
20-106.1	Failure to return rented vehicle with intent to defraud	Class I felony
20-107	Injuring or tampering with vehicle	Class 2 misdemeanor
20-108(a)	Knowingly possessing, selling, receiving, etc., motor vehicle that has had any identification or serial number altered or removed	Class 2 misdemeanor
20-109	Altering or changing engine or other numbers	Class I felony
<b>Violation of Registration Provisions</b>		
20-111(1)	Operating vehicle that is not registered with DMV or that is not displaying current registration plate	Class 3 misdemeanor <sup>361</sup>
20-111(2)	Knowingly displaying or possessing altered, expired, or revoked registration card or plate	Class 3 misdemeanor <sup>362</sup>
20-111(3)	Giving, lending, or borrowing registration plate for use on another motor vehicle	Class 3 misdemeanor
20-111(4), -176(a), -176(c)	Failing to surrender to DMV, upon demand, title certificate, registration card, or plate that has been suspended or canceled	Class 2 misdemeanor
20-111(5)	Using false names or addresses or concealing or misrepresenting material facts in registration application	Class 1 misdemeanor
20-111(6)	Giving, lending, selling, or obtaining title certificate for any purpose other than registration, sale, etc., of vehicle for which issued	Class 2 misdemeanor

360. Conveyances used to conceal, convey, or transport property in violation of G.S. 20-106 are subject to forfeiture under G.S. 14-86.1.

361. S.L. 2013-360 changed the punishment to a Class 3 misdemeanor, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 2 misdemeanor.

362. See note 361.

Statute	Description of Offense	Punishment
<b>Perjury</b>		
20-112	Knowingly making any false affidavit or swearing or affirming falsely	Class I felony
<b>Failure to Obey Directions of Officers or Firefighters</b>		
20-114.1(a), -176(a), -176(c)	Willfully failing or refusing to comply with lawful order of law enforcement officer concerning traffic control	Class 2 misdemeanor
20-114.1(b), -176(a), -176(c)	Willfully failing or refusing to comply with lawful order of firefighter or rescue squad related to traffic control	Class 2 misdemeanor
<b>Truck Route Violation</b>		
20-116(h)	Failing to use truck route	Class 2 misdemeanor
<b>Flag or Light at End of Load</b>		
20-117, -115, -176(a), -176(b)	Failing to display flag or light at end of load	Infraction
<b>Weigh Station Violations</b>		
20-118.1, -176(c)	Failing to enter weigh station or temporary inspection or weigh site	Class 2 misdemeanor
<b>Equipment Violations</b>		
<i>Tires</i>		
20-122.1, -115, -176(a), -176(b)	Driving with unsafe tires	Infraction
<i>Steering Mechanism</i>		
20-123.1, -115, -176(a), -176(b)	Failing to maintain steering mechanism in good working order	Infraction
<i>Speedometer</i>		
20-123.2, -141(o)	Operating vehicle without working speedometer	Infraction <sup>363</sup>

363. The penalty for this infraction may not exceed \$25. A violation is a lesser-included offense of G.S. 20-141, except when the charge is speeding in excess of 25 m.p.h. over the posted speed limit.



<b>Statute</b>	<b>Description of Offense</b>	<b>Punishment</b>
<i>Brakes</i>		
20-124(a), -115, -176(a), -176(b)	Absence of brakes sufficient to stop and control vehicle	Infraction
20-124(a), -115, -176(a), -176(b)	Failing to maintain brakes in conformity with regulations	Infraction
20-124(c), -115, -176(a), -176(b)	Failing to maintain originally equipped brakes, including failing to maintain two separate means of applying brakes	Infraction
20-124(d), -115, -176(a), -176(b)	Absence of at least one brake on motorcycle used on highway	Infraction
20-124(e), -115, -176(a), -176(b)	Absence on trucks of brakes sufficient to stop vehicle within required distances	Infraction
20-124(e1), -115, -176(a), -176(b)	Absence of brakes acting on all wheels on specified trucks or truck-tractors with trailers	Infraction
20-124(h)	Selling any unapproved brake fluid or lining	Class 2 misdemeanor
<i>Horns and Warning Devices</i>		
20-125(a), -115, -176(a), -176(b)	Driving vehicle without a horn audible up to 200 feet in normal conditions	Infraction
20-125(a), -115, -176(a), -176(b)	Using siren, compression, or spark plug whistle when not allowed	Infraction
20-125(a), -115, -176(a), -176(b)	Using horn for other than reasonable warning or making any unnecessary loud or harsh sound by horn or other warning device	Infraction
20-125.1, -176(a), -176(b)	Motor vehicle not equipped with directional signals	Infraction
<i>Mirrors</i>		
20-126(a) , -115, -176(a), -176(b)	Driving motor vehicle on streets without rearview mirror that provides unobstructed view	Infraction
20-126(a) , -115, -176(a), -176(b)	Driving loaded motor vehicle that renders rearview mirror ineffective without using mirror that reflects rear view	Infraction

Statute	Description of Offense	Punishment
20-126(b) , -115, -176(a), -176(b)	Operating vehicle without outside mirror on driver's side	Infraction
20-126(c) , -115, -176(a), -176(b)	Operating motorcycle on streets without rearview mirror that provides unobstructed view of at least 200 feet	Infraction
<i>Windshield Wipers and Tinted Windows</i>		
20-127(a) , -115, -176(a), -176(b)	Operating vehicle without windshield wiper for cleaning snow, rain, moisture, etc., from front windshield	Infraction
20-127(b), -127(d)	Driving vehicle on highway or public vehicular area with window not meeting window tinting restrictions	Class 3 misdemeanor <sup>364</sup>
20-127(c), -127(d)	Tinted vehicle windshield that does not meet window tinting restrictions in 20-127(b)	Class 3 misdemeanor <sup>365</sup>
<i>Mufflers</i>		
20-128(a), -115, -176(a), -176(b)	Driving motor vehicle when muffler not in sufficiently good working order to prevent excessive noise or smoke	Infraction
20-128(b), -115, -176(a), -176(b)	Using muffler cut-out	Infraction
20-128(c), -115, -176(a), -176(b)	Operating motor vehicle without required emission control devices	Infraction
20-128.1(a), -128.1(d), -176(a), -176(b)	Operating gasoline-powered motor vehicle that emits visible air contaminants for longer than five consecutive seconds	Infraction
20-128.1(a), -128.1(d), -176(a), -176(b)	Operating diesel-powered motor vehicle that emits visible contaminants of specific shade or density for longer than five consecutive seconds	Infraction
<i>Lights</i>		
20-129(a)(1), -115, -176(a), -176(b)	Failing to have lights on from sunset to sunrise	Infraction
20-129(a)(2), -115, -176(a), -176(b)	Failing to have lights on when person cannot be seen clearly 400 feet ahead	Infraction

364. S.L. 2013-360 changed the punishment to a Class 3 misdemeanor, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 2 misdemeanor.

365. See note 364.

<b>Statute</b>	<b>Description of Offense</b>	<b>Punishment</b>
20-129(a)(4)	Failing to have lights on when windshield wipers are in use due to rain, fog, etc.	Infraction <sup>366</sup>
20-129(b), -115, -176(a), -176(b)	Absence on vehicle of at least two headlamps	Infraction
20-129(c), -115, -176(a), -176(b)	Absence on motorcycle of headlamp complying with statutory requirements	Infraction
20-129(c), -115, -176(a), -176(b)	Failing to keep motorcycle lamps lighted while motorcycle is in use on highway or public vehicular area	Infraction
20-129(d), -115, -176(a), -176(b)	Absence of required rear lamps	Infraction
20-129(e), -115, -176(a), -176(b)	Absence of required lamps or reflectors on bicycles used at night	Infraction
20-129(f), -115, -176(a), -176(b)	Absence of required lights on other vehicles (farm tractors, etc.)	Infraction
20-129(g), -115, -176(a), -176(b)	Selling or operating motor vehicle or motorcycle without stop lamp	Infraction
20-129.1(1), -115, -176(a), -176(b)	Absence of two reflectors and one stop light on rear of bus or truck	Infraction
20-129.1(2), -115, -176(a), -176(b)	Absence of additional specified lights and reflectors on certain trucks or buses	Infraction
20-129.1(3), -115, -176(a), -176(b)	Absence of two clearance lamps on front and one stop light at rear on truck tractor	Infraction
20-129.1(4), -115, -176(a), -176(b)	Absence of specified lights and reflectors on certain trailers or semi-trailers	Infraction
20-129.1(5), -115, -176(a), -176(b)	Absence of specified lights and reflectors on certain large pole trailers	Infraction
20-129.1(6), -115, -176(a), -176(b)	Absence of required reflectors and stop lights on certain smaller trailers	Infraction
20-129.1(7), -129.1(8), -115, -176(a), -176(b)	Failure on vehicle of front-clearance lamps to reflect amber color, or rear lamps and brake lights to reflect red color	Infraction
20-129.1(10), -115, -176(a), -176(b)	Absence of combination marker lamp mounted on bottom side rail at or near the center of each side of certain trailers showing amber color	Infraction

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366. The penalty for this infraction is \$5; court costs may not be assessed.

Statute	Description of Offense	Punishment
20-130.1(a), -130.1(e)	Installing or using a red light on vehicle	Class 1 misdemeanor
20-130.1(c), -130.1(e)	Installing or using a blue light on vehicle	Class 1 misdemeanor
20-130.3, -115, -176(a), -176(b)	Driving motor vehicle in forward motion while displaying white or clear lights on rear of vehicle	Infraction
20-131(a), -115, -176(a), -176(b)	Failing to dim headlights	Infraction
20-134, -115, -176(a), -176(b)	Failing at required times to display certain lights on the front and rear of vehicle parked or stopped on highway	Infraction
<i>Seat Belts</i>		
20-135.2A	Failure of driver or front seat passenger to wear seat belt	Infraction <sup>367</sup>
20-135.2A	Failure of rear seat occupant to wear seat belt	Infraction <sup>368</sup>
20-135.2B	Transporting children in open bed of pickup truck	Infraction <sup>369</sup>
<i>Smoke Screens</i>		
20-136	Driving, using, or possessing vehicle with smoke screen mechanism	Class I felony <sup>370</sup>
20-136.1	Driving while viewing television, computer, or video player	Infraction
<i>Child Restraint Systems</i>		
20-137.1	Transporting child less than 16 years of age without being secured in passenger restraint system or seat belt Additional requirement for child less than age 5 and less than 40 pounds and for child under age 8 and less than 80 pounds	Infraction <sup>371</sup>
<i>Unlawful Mobile Phone Use</i>		
20-137.3	Using mobile phone by driver under 18	Infraction <sup>372</sup>
20-137.4	Using mobile phone while operating school bus	Class 2 misdemeanor <sup>373</sup>
20-137.4A	Using mobile phone for text messaging or email while operating school bus	Class 2 misdemeanor <sup>374</sup>

367. The penalty under G.S. 20-135.2A(e) for this infraction is \$25.50 plus specified court costs set out in the statute.

368. The penalty under G.S. 20-135.2A(e) for this infraction is \$10; court costs may not be assessed.

369. The penalty under G.S. 20-135.2B(c) for this infraction is not more than \$25 even if more than one child less than 16 years old is riding in the bed; court costs may not be assessed.

370. A conviction of this offense results in a mandatory DMV driver's license revocation under G.S. 20-17(a)(a)(3). The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

371. This infraction is punishable by a penalty not to exceed \$25.

372. The penalty for this infraction is set at \$25; court costs may not be assessed.

373. This offense is punishable by a fine of not less than \$100.

374. See note 373.

Statute	Description of Offense	Punishment
20-137.4A	Using mobile phone for text messaging or email while operating vehicle other than school bus	Infraction <sup>375</sup>
<b>Rules-of-the-Road Violations</b>		
<i>Impaired Driving</i>		
20-138.1, -179(f3)	Impaired driving, Aggravated Level One Punishment	Minimum 12 months' to maximum 36 months' imprisonment and maximum \$10,000 fine <sup>376</sup>
20-138.1, -179(g)	Impaired driving, Level One Punishment	Minimum 30 days' to maximum 24 months' imprisonment and maximum \$4,000 fine <sup>377</sup>
20-138.1, -179(h)	Impaired driving, Level Two Punishment	Minimum 7 days' to maximum 12 months' imprisonment and maximum \$2,000 fine <sup>378</sup>
20-138.1, -179(i)	Impaired driving, Level Three Punishment	Minimum 72 hours' to maximum 6 months' imprisonment and maximum \$1,000 fine <sup>379</sup>
20-138.1, -179(j)	Impaired driving, Level Four Punishment	Minimum 48 hours' and maximum 120 days' imprisonment and maximum \$500 fine <sup>380</sup>

375. This violation is punishable by a penalty of \$100 and court costs.

376. The term of imprisonment may be suspended only if a condition of special probation is imposed to require service of imprisonment of at least 120 days. For additional provisions, see G.S. 20-179(f3). The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a) because there is a mandatory DMV driver's license revocation under G.S. 20-17(a)(2).

377. The term of imprisonment may be suspended only if a condition of special probation is imposed to require service of imprisonment of at least 30 days. For additional provisions, see G.S. 20-179(g) and (h1). The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a) because there is a mandatory DMV driver's license revocation under G.S. 20-17(a)(2).

378. The term of imprisonment may be suspended only if a condition of special probation is imposed to require service of imprisonment of 7 days or to abstain from consuming alcohol for at least 90 days. For additional provisions, see G.S. 20-179(h) and (h1). The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a) because there is a mandatory DMV driver's license revocation under G.S. 20-17(a)(2).

379. The term of imprisonment may be suspended, but it must include one of the conditions set out in G.S. 20-179(i)(1) through (4). For additional provisions, see G.S. 20-179(i). The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a) because there is a mandatory DMV driver's license revocation under G.S. 20-17(a)(2). A defendant may be eligible for a limited driving privilege under G.S. 20-179.3(b)(1).

380. The term of imprisonment may be suspended, but it must include one of the conditions set out in G.S. 20-179(j)(1) through (4). For additional provisions, see G.S. 20-179(j). The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a) because there is a mandatory DMV driver's license revocation under G.S. 20-17(a)(2). A defendant may be eligible for a limited driving privilege under G.S. 20-179.3(b)(1).

Statute	Description of Offense	Punishment
20-138.1, -179(k)	Impaired driving, Level Five Punishment	Minimum 24 hours' and maximum 60 days' imprisonment and maximum \$200 fine <sup>381</sup>
20-138.1, -179(f1)	Impaired driving, aider and abettor <sup>382</sup>	See Level Five Punishment, above
20-138.2, -179	Impaired driving in commercial vehicle	Punishable as provided in 20-179 for impaired driving (see punishment levels, above) <sup>383</sup>
20-138.2A	Operating commercial vehicle after consuming alcohol	Class 3 misdemeanor <sup>384</sup>
20-138.2B	Driving school bus, school activity bus, child care vehicle, ambulance, etc., after consuming alcohol <sup>385</sup>	Class 3 misdemeanor <sup>386</sup>
20-138.2C	Operating commercial vehicle while possessing alcoholic beverages	Infraction
20-138.3	Driving by person under age 21 after consuming alcohol or drugs	Class 2 misdemeanor <sup>387</sup>

381. The term of imprisonment may be suspended, but it must include one of the conditions set out in G.S. 20-179(k)(1) through (4). For additional provisions, see G.S. 20-179(k). The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a) because there is a mandatory DMV driver's license revocation under G.S. 20-17(a)(2). A defendant may be eligible for a limited driving privilege under G.S. 20-179.3(b)(1).

382. G.S. 20-179(f1) provides that a person convicted of impaired driving as an aider and abettor is subject to Level Five Punishment. The judge need not make any findings of grossly aggravating, aggravating, or mitigating factors in such cases. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a) because there is a mandatory DMV driver's license revocation under G.S. 20-17(a)(2).

383. G.S. 20-17(a)(2)b. requires DMV to revoke the driver's license of a person convicted of this offense if the driver's alcohol concentration level was .06 or higher. Thus, a defendant convicted of this offense with an alcohol concentration that meets or exceeds this threshold must surrender his or her regular driver's license to the court as required by G.S. 20-24(a). G.S. 20-17.4 requires DMV to disqualify a person convicted of this offense from driving a commercial motor vehicle, and the defendant must surrender his or her commercial driver's license to the court as required by G.S. 20-24(a). For additional information concerning the effects of disqualification, see G.S. 20-17.5.

384. G.S. 20-138.2A(c) provides that notwithstanding G.S. 15A-1340.23, the Class 3 misdemeanor is punishable by a penalty of \$100. A conviction of a first offense disqualifies the defendant from driving a commercial motor vehicle for 10 days, and the defendant must surrender his or her commercial driver's license and any Class A or Class B driver's license to the court as required by G.S. 20-24(a). A second or subsequent violation is punishable under G.S. 20-179 (see levels one through five set out for impaired driving in the chart above) and results in a mandatory DMV regular driver's license revocation under G.S. 20-17(a)(13) and disqualification of a commercial driver's license under G.S. 20-17.4(a)(6)—under these circumstances, the defendant must surrender these licenses to the court as required by G.S. 20-24(a).

385. S.L. 2013-105, effective for offenses committed on or after December 1, 2013, added the following vehicles to this statute: ambulance, other emergency medical services vehicle, firefighting vehicle, and law enforcement vehicle.

386. G.S. 20-138.2B(c) provides that notwithstanding G.S. 15A-1340.23, the Class 3 misdemeanor is punishable by a penalty of \$100. A second or subsequent violation is punishable under G.S. 20-179 (see levels one through five set out for impaired driving in the chart above), and results in a mandatory DMV regular driver's license revocation under G.S. 20-17(a)(14). G.S. 20-17(a)(14) requires DMV to revoke the driver's license of a person convicted of this offense, and the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

387. G.S. 20-13.2 requires a revocation of the defendant's driver's license for a conviction of this offense. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

Statute	Description of Offense	Punishment
20-138.5	Habitual impaired driving	Class F felony <sup>388</sup>
20-138.7(a)	Transporting open container of alcoholic beverage after consuming alcohol	Class 3 misdemeanor <sup>389</sup>
20-138.7(a1)	Possession of alcoholic beverage in other than unopened original container, or consumption of alcoholic beverage, in motor vehicle's passenger area while on highway	Infraction
<i>Reckless Driving</i> <sup>390</sup>		
20-140(a), -140(d)	Driving carelessly and heedlessly	Class 2 misdemeanor <sup>391</sup>
20-140(b), -140(d)	Driving without due caution	Class 2 misdemeanor <sup>392</sup>
20-140(f)	Reckless driving of commercial motor vehicle	Class 2 misdemeanor <sup>393</sup>
<i>Overloaded or Overcrowded Vehicle</i>		
20-140.2, -176(a), -176(b)	Overloaded or overcrowded vehicle	Infraction
<i>Using Controlled-Access Highways</i> <sup>394</sup>		
20-140.3(1), -176(a), -176(b)	Driving across curb, dividing section, or dividing line	Infraction
20-140.3(2), -176(a), -176(b)	Making left, semicircular, or U-turn	Infraction
20-140.3(3), -176(a), -176(b)	Driving in wrong lane or wrong direction	Infraction
20-140.3(4), -176(a), -176(b)	Driving onto or from any controlled-access highway when no established entrance and exit	Infraction

388. The defendant must be sentenced to a minimum active sentence of not less than 12 months' imprisonment, which may not be suspended, and it must run consecutively with and begin at the expiration of any sentence being served. The defendant's driver's license must be permanently revoked, and the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a). This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

389. A second or subsequent offense is a Class 2 misdemeanor, and G.S. 20-17(a)(12) requires a revocation of a defendant's driver's license. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

390. Reckless driving convictions are subject to three provisions concerning the revocation or suspension of a driver's license:

1. A discretionary DMV suspension under G.S. 20-16(a)(9) and G.S. 20-19(a) is not to exceed six months for convictions within a 12-month period of one or more charges of reckless driving or aggressive driving and one or more charges of speeding in excess of 55 m.p.h. and not more than 80 m.p.h.
2. A mandatory DMV revocation for one year under G.S. 20-17(a)(6) and G.S. 20-19(f) for convictions within 12 months of (1) two charges of reckless driving, (2) two charges of aggressive driving, or (3) one or more charges of reckless driving and one or more charges of aggressive driving.
3. A mandatory DMV revocation for one year under G.S. 20-17(a)(7) and G.S. 20-19(f) for convictions of one charge of reckless or aggressive driving while illegally transporting intoxicants for the purpose of sale.

For the mandatory revocations, the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

391. See note 390.

392. See note 390.

393. See note 390.

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

Statute	Description of Offense	Punishment
20-140.3(5), -176(a), -176(b)	Stopping, parking, or leaving vehicle on any part of right-of-way	Infraction
20-140.3(6), -176(a), -176(b)	Failing to yield right-of-way to vehicle when entering highway	Infraction
<i>Motorcycles and Mopeds</i>		
20-140.4(a)(1), -140.4(c)	Operating motorcycle or moped with more people than it is designated to carry	Infraction <sup>395</sup>
20-140.4(a)(2), -140.4(c)	Operating motorcycle or moped without approved safety helmet	Infraction <sup>396</sup>
<i>Speeding</i> <sup>397</sup>		
20-141(a), -176(a), -176(b)	Driving faster than is reasonable and prudent under conditions	Infraction
20-141(b), -176(a), -176(b)	Operating vehicle in excess of following speeds (with exceptions): 35 m.p.h. inside municipal limits and 55 m.p.h. outside municipal limits	Infraction
20-141(e), -176(a), -176(b)	Violating speed limit set by local authority for streets not in state highway system	Infraction
20-141(e1)	Violating speed limit on school property set and posted by local authority	Infraction with mandatory \$250 penalty
20-141(f), -176(a), -176(b)	Violating speed limit set by local authority on streets in the state system and within corporate limits	Infraction
20-141(g), -176(a), -176(b)	Violating minimum speed limit established on state highways or by local authorities	Infraction
20-141(h), -176(a), -176(b)	Operating vehicle at such slow speed as to impede normal and reasonable movement of traffic	Infraction

395. The violation is punishable by a penalty of \$25.50 and specified court costs.

396. See note 395.

397. All speeding violations are subject to the following provisions concerning the suspension or revocation of a license:

1. A discretionary DMV suspension under G.S. 20-16(a)(10) and G.S. 20-19(b) not to exceed 12 months for a conviction of operating a motor vehicle over 75 m.p.h. when the maximum speed is less than 70 m.p.h.
2. A discretionary DMV suspension under G.S. 20-16(a)(9) and G.S. 20-19(a) not to exceed six months if a conviction within a 12-month period of (1) two or more charges of speeding over 55 m.p.h. and not more than 80 m.p.h., (2) one or more charges of reckless driving and one or more charges of speeding in excess of 55 m.p.h. and not more than 80 m.p.h., or (3) one or more charges of aggressive driving and one or more charges of speeding in excess of 55 m.p.h. and not more than 80 m.p.h.
3. A mandatory DMV suspension under G.S. 20-16.1 for 30 days upon conviction of exceeding the speed limit by more than 15 m.p.h. if the person was also exceeding 55 m.p.h. (including in work zone) at the time of the offense (or for 60 days upon conviction of a second or subsequent offense that occurred within one year of the first or prior offense).

The same provisions apply if driver was exceeding 80 m.p.h.; see G.S. 20-16(a)(10a). For the mandatory revocations, the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a). A judge may grant limited driving privileges to a first offender under G.S. 20-16.1(a).

G.S. 20-141(o) makes G.S. 20-123.2 (defective speedometer) a lesser-included offense of a G.S. 20-141 violation, except if the charge is speeding in excess of 25 m.p.h. or more over the posted speed limit. G.S. 20-141(p) provides that a driver charged with speeding more than 25 m.p.h. over the posted speed limit is ineligible for a prayer for judgment continued (PJC).



Statute	Description of Offense	Punishment
20-141(j1)	Driving more than 15 m.p.h. more than speed limit	Class 3 misdemeanor <sup>398</sup>
20-141(j1)	Driving more than 80 m.p.h.	Class 3 misdemeanor <sup>399</sup>
20-141(j2)	Driving in highway work zone in excess of posted speed limit	Infraction <sup>400</sup>
20-141(j3)	Driving commercial motor vehicle carrying load and violating speed restrictions	Class 2 misdemeanor
20-141(m), -176(a), -176(b)	Failing to reduce speed as necessary to avoid accident	Infraction
<i>School Zones</i>		
20-141.1	Violating speed limits set by the Board of Transportation or local authority for areas near schools	Infraction with mandatory \$250 penalty
<i>Racing</i>		
20-141.3(a)	Engaging in prearranged speed competition with another motor vehicle	Class 1 misdemeanor <sup>401</sup>
20-141.3(b)	Willfully engaging in speed competition with another motor vehicle (not prearranged)	Class 2 misdemeanor <sup>402</sup>
20-141.3(c)	Allowing or authorizing others to use one's motor vehicle in prearranged speed competition	Class 1 misdemeanor <sup>403</sup>
20-141.3(c)	Placing or receiving bet or wager on prearranged speed competition	Class 1 misdemeanor <sup>404</sup>
<i>Felony and Misdemeanor Death by Vehicle and Felony Serious Injury by Vehicle</i>		
20-141.4(a1), -141.4(b)	Felony death by vehicle	Class D felony <sup>405</sup>
20-141.4(a2), -141.4 (b)	Misdemeanor death by vehicle	Class A1 misdemeanor

398. S.L. 2013-360 changed the punishment to a Class 3 misdemeanor, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 2 misdemeanor. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a) if the speed was more than 55 m.p.h. because this violation is subject to a mandatory DMV license revocation under G.S. 20-16.1, although a limited driving privilege may be granted.

399. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a) because this violation is subject to a mandatory DMV license revocation under G.S. 20-16.1, although a limited driving privilege may be granted.

400. The penalty for a violation of this statute is \$250 in addition to the penalty required for the speeding violation.

401. A conviction of this offense results in a mandatory DMV driver's license revocation under G.S. 20-141.3(d), and the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

402. There is a discretionary DMV driver's license revocation for a conviction of this offense under G.S. 20-141.3(e).

403. A conviction of this offense results in a mandatory DMV driver's license revocation under G.S. 20-141.3(d), and the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

404. See note 403.

405. For offenses committed before December 1, 2012, this offense is a Class E felony. For offenses committed on and after December 1, 2012, G.S. 20-141.4(b)(2) provides that notwithstanding G.S. 15A-1340.17, an intermediate punishment is authorized for a defendant who has a Prior Record Level I. A conviction of this offense results in a permanent DMV driver's license revocation under G.S. 20-17(a)(9), and the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

Statute	Description of Offense	Punishment
20-141.4(a3), -141.4 (b)	Felony serious injury by vehicle	Class F felony <sup>406</sup>
20-141.4(a4), -141.4(b)	Aggravated felony serious injury by vehicle	Class E felony <sup>407</sup>
20-141.4(a5), -141.4 (b)	Aggravated felony death by vehicle	Class D felony <sup>408</sup>
20-141.4(a6), -141.4 (b)	Repeat felony death by vehicle	Class B2 felony <sup>409</sup>
<i>Fleeing to Elude Arrest</i>		
20-141.5(a)	Misdemeanor fleeing to elude arrest	Class 1 misdemeanor <sup>410</sup>
20-141.5(a), -141.5(b1)	Misdemeanor fleeing to elude arrest, proximately causing death	Class H felony <sup>411</sup>
20-141.5(b)	Felony fleeing to elude arrest	Class H felony <sup>412</sup>
20-141.5(b), -141.5(b1)	Felony speeding to elude arrest, proximately causing death	Class E felony <sup>413</sup>
20-141.6	Aggressive driving	Class 1 misdemeanor <sup>414</sup>
<i>Failing to Stop for Railroad Signal or Tracks</i>		
20-142.1(a), -142.1(d), -176(a), -176(b)	Failing to stop at railroad grade crossing	Infraction
20-142.1(b), -142.1(d), -176(a), -176(b)	Driving through crossing gate	Infraction
20-142.2, -176(a), -176(b)	Failing to stop at stop sign at dangerous railroad crossing	Infraction
20-142.3, -176(a), -176(b)	Certain vehicles failing to stop at railroad crossing	Infraction

406. A conviction of this offense results in a permanent DMV driver's license revocation under G.S. 20-17(a)(9), and the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

407. See note 406.

408. For offenses committed on and after December 1, 2012, G.S. 20-141.4(b)(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. A conviction of this offense results in a permanent DMV driver's license revocation under G.S. 20-17(a)(9), and the defendant must surrender his or her license to the court as required by G.S. 20-24(a).

409. A conviction of this offense results in a permanent DMV driver's license revocation under G.S. 20-179(a)(9), and the defendant must surrender his or her license to the court as required by G.S. 20-24(a).

410. A conviction of this offense results in a mandatory DMV driver's license revocation under G.S. 20-141.5(d), and the defendant must surrender his or her license to the court as required by G.S. 20-24(a).

411. See note 410.

412. See note 410.

413. See note 410.

414. For license revocation consequences for this offense, see note 390.

<b>Statute</b>	<b>Description of Offense</b>	<b>Punishment</b>
20-142.4, -176(a), -176(b)	Operating or moving heavy equipment at railroad crossing without complying with statute	Infraction
20-142.5, -176(a), -176(b)	Driving into intersection, crosswalk, or railroad grade crossing and obstructing vehicles, pedestrians, or trains	Infraction
<i>Speeding on Bridges</i>		
20-144, -176(a), -176(b)	Speed limitation on bridges	Infraction
<i>Lane Violations</i>		
20-146(a), -176(a), -176(b)	Failing to drive on right half of highway	Infraction
20-146(b), -176(a), -176(b)	Failing to drive in right lane when driving below speed limit	Infraction
20-146(c), -176(a), -176(b)	Driving to left of center on road with four or more lanes and two-way movement of traffic	Infraction
20-146(d)(1), -176(a), -176(b)	Failing to drive within a single lane or ascertain that lane change can be made safely	Infraction
20-146(d)(2), -176(a), -176(b)	Driving in center lane of road with three or more lanes and two-way traffic	Infraction
20-146(d)(3), -176(a), -176(b)	Failing to obey traffic control devices designating lanes	Infraction
20-146(d)(4) , -176(a), -176(b)	Failing to obey devices prohibiting lane changes	Infraction
20-146(e), -176(a), -176(b)	Impeding traffic by using lane next to median of dual-lane highway at speed less than speed limit	Infraction
20-146.1(a), -176(a), -176(b)	Depriving a motorcycle of full use of a lane	Infraction
20-146.1(b), -176(a), -176(b)	Operating more than two motorcycles abreast in single lane	Infraction
20-146.2, -176(a), -176(b)	Violating HOV lane restrictions	Infraction
20-147, -176(a), -176(b)	Failing to drive vehicle on right half of highway in crossing intersection of two highways or of highway and railroad right-of-way	Infraction
20-147.1, -176(a), -176(b)	Operating passenger vehicle in left lane of multi-lane highway while towing another vehicle	Infraction
20-148, -176(a), -176 (b)	Failing to pass vehicle going in the opposite direction to the right	Infraction

<b>Statute</b>	<b>Description of Offense</b>	<b>Punishment</b>
<i>Improper Passing</i>		
20-149(a), -176(a), -176(b)	Improper overtaking of vehicle when passing in same direction	Infraction
20-149(b), -149(b)(3)	Driver of overtaken vehicle failing to give way in favor of overtaking vehicle	Infraction
20-149(b), -149(b)(1)	Driver of overtaken vehicle failing to give way in favor of overtaking vehicle, collision resulting in serious bodily injury	Class 1 misdemeanor
20-149(b), -149(b)(2)	Driver of overtaken vehicle failing to give way in favor of overtaking vehicle, collision resulting in bodily injury or property damage	Class 2 misdemeanor
20-150(a), -176(a), -176(b)	Passing on left side of center of highway when movement cannot be made in safety	Infraction
20-150(b), -176(a), -176(b)	Improper passing on crest of grade or on a curve	Infraction
20-150(c), -176(a), -176(b)	Improper passing at railway grade crossing or at intersection	Infraction
20-150(d), -176(a), -176(b)	Driving to left side of centerline of highway on crest of grade or curve in highway	Infraction
20-150(e), -176(a), -176(b)	Passing vehicle when signs or markings clearly indicate that passing should not be attempted	Infraction
20-150.1, -176(a), -176(b)	Improper passing on the right	Infraction
<i>Following Too Closely</i>		
20-152(a), -176(a), -176(b)	Following vehicle more closely than reasonable and prudent	Infraction
20-152(b), -176(a), -176(b)	Failing to allow passing vehicle enough space to re-enter original lane of traffic	Infraction
<i>Improper Turning</i>		
20-153(a), -176(a), -176(b)	When approaching or turning right at intersection, failing to keep vehicle as close as practicable to right curb	Infraction
20-153(b), -176(a), -176(b)	When approaching intersection to turn left, failing to use extreme left-hand lane lawfully available	Infraction
20-153(b), -176(a), -176(b)	When turning left, failing to turn into a lane lawfully available to traffic leaving the intersection	Infraction
20-153(c), -176(a), -176(b)	Failing to obey lawful traffic control devices modifying general turning rules of 20-153	Infraction

Statute	Description of Offense	Punishment
20-154(a), -176(a), -176(b)	Starting, stopping, or turning without first seeing that movement can be made safely	Infraction
20-154(a), -176(a), -176(b)	Failing to sound horn before making movement that may affect pedestrians	Infraction
20-154(a), -176(a), -176(b)	Failing to give a signal when stopping, starting, or turning when another vehicle may be affected	Infraction
20-154(a), -176(a), -176(b)	Backing vehicle in unsafe manner or in manner that interferes with other traffic	Infraction
20-154(a1)	Violating 20-154(a) and causing motorcycle operator to change or leave travel lanes	Infraction with fine of not less than \$200 <sup>415</sup>
20-154(a1)	Violation of 20-154(a) that results in crash causing property damage or personal injury to motorcycle operator or passenger	Infraction with fine of not less than \$500 <sup>416</sup>
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 operator or passenger	Infraction with fine of not less than \$750 <sup>417</sup>
<i>Failure to Yield Right-of-Way</i>		
20-155(a), -176(a), -176(b)	Failure by driver on left to yield right-of-way when two vehicles enter intersection at about same time	Infraction
20-155(b), -176(a), -176(b)	Failing to yield to oncoming traffic when turning left	Infraction
20-155(c), -176(a), -176(b)	Failing to yield to pedestrian at crosswalk or regular pedestrian crossing	Infraction
20-155(d), -176(a), -176(b)	Failing to yield to vehicle already in traffic circle when approaching circle	Infraction
20-156(a), -176(a), -176(b)	Failing to yield to traffic when entering public highway from private road	Infraction
20-156(b), -176(a), -176(b)	Failing to yield right-of-way to law enforcement, fire, and other emergency vehicles with sirens and lights on	Infraction
<i>Actions Prohibited in Emergencies</i>		
20-157(a)	Upon approach of a fire, law enforcement, or rescue vehicle, etc., with lights and siren on, failing to stop on right side of road until emergency vehicle passes	Class 2 misdemeanor

415. S.L. 2011-361 enacted this statutory subsection, effective for offenses committed on or after December 1, 2011.

416. See note 415.

417. S.L. 2013-366 enacted this statutory subsection, effective for offenses committed on or after October 1, 2013. The trial court has the authority to suspend the defendant's driver's license for up to 30 days but may allow a limited driving privilege. A violation is treated as a failure to yield right-of-way to a motorcycle for assessment of points under G.S. 20-16(c).

Statute	Description of Offense	Punishment
20-157(b), -157(g)	Following closer than one block any fire apparatus traveling in response to fire alarm	Infraction punishable by \$250 penalty
20-157(b), -157(g)	Driving into or parking within one block where fire apparatus has stopped to answer alarm	Infraction punishable by \$250 penalty
20-157(c), -157(g)	Outside of city, following closer than 400 feet fire apparatus traveling in response to fire alarm	Infraction punishable by \$250 penalty
20-157(c), -157(g)	Outside of city, driving into or parking within 400 feet where fire apparatus has stopped to answer alarm	Infraction punishable by \$250 penalty
20-157(d), -157(g)	Driving over fire hose or any other equipment being used at fire	Infraction punishable by \$250 penalty
20-157(d), -157(g)	Blocking firefighting apparatus from its source of supply	Infraction punishable by \$250 penalty
20-157(e), -157(g)	Parking or leaving a vehicle within 100 feet of law enforcement, fire, or rescue vehicles that are investigating or assisting at accident	Infraction punishable by \$250 penalty
20-157(f), -157(g)	Failing to change lanes or slow vehicle when passing stopped emergency vehicle	Infraction punishable by \$250 penalty
20-157(h)	Failing to yield to emergency or public service vehicle and causing more than \$500 in property damage	Class 1 misdemeanor
20-157(i)	Failing to yield to emergency or public service vehicle and causing serious injury or death in immediate area of emergency	Class I felony <sup>418</sup>
<i>Funeral Processions</i>		
20-157.1, -176(a), -176(b)	Violating funeral procession provisions by vehicles in procession or vehicles proceeding in same or opposite direction as procession	Infraction
<i>Failing to Stop</i>		
20-158(b)(1), -176(a), -176(b)	Failing to stop at intersection at stop sign or failing to yield right-of-way after stopping at stop sign	Infraction
20-158(b)(2), -176(a), -176(b)	Failing to stop at intersection or yield right-of-way when steady red light	Infraction <sup>419</sup>
20-158(b)(2a), -176(a), -176(b)	Failing at steady yellow light to proceed through intersection with due care	Infraction
20-158(b)(3), -176(a), -176(b)	Failing to stop at intersection and yield when flashing red light controls traffic in driver's lane	Infraction

418. DMV may suspend the defendant's driver's license for up to six months but may allow a limited driver's privilege.

419. Failing to yield the right-of-way to a pedestrian under G.S. 20-158(b)(2)b. is an infraction and the court may assess a penalty under G.S. 20-158(b)(2)c. of not less than \$100 and not more than \$500.

<b>Statute</b>	<b>Description of Offense</b>	<b>Punishment</b>
20-158(b)(4), -176(a), -176(b)	Failing to proceed with caution and yield right-of-way when flashing yellow light controls intersection	Infraction
20-158(b)(5), -176(a), -176(b)	When required to stop at intersection, failing to stop at appropriate point specified in statute	Infraction
20-158(c)(1), -176(a), -176(b)	Failing to obey stop sign and yield right-of-way at place other than an intersection	Infraction
20-158(c)(2), -176(a), -176(b)	Failing to obey traffic light emitting steady red light at place other than an intersection	Infraction
20-158(c)(3), -176(a), -176(b)	Failing to stop and yield to pedestrians or other vehicles at flashing red light at place other than an intersection	Infraction
20-158(c)(4), -176(a), -176(b)	Failing to proceed with caution or yield at flashing yellow traffic light at place other than an intersection	Infraction
20-158(c)(5), -176(a), -176(b)	When required to stop at other than an intersection, failing to stop at appropriate point specified in statute	Infraction
<i>Failure to Yield at Yield Signs</i>		
20-158.1, -176(a), -176(b)	Failing to yield at yield sign at intersecting highway	Infraction
<i>Driving through Safety Zones or on Sidewalks</i>		
20-160, -176(a), -176(b)	Driving through or over safety zone or driving on sidewalk	Infraction
<i>Failure to Yield Causing Serious Bodily Injury</i>		
20-160.1	Failing to yield causing serious bodily injury	Infraction with mandatory \$500 fine <sup>420</sup>
<i>Parking on Highway</i>		
20-161(a), -176(a), -176(b)	Parking or leaving vehicle on highway or bridge with speed limit less than 45 m.p.h., unless vehicle is disabled	Infraction
20-161(a1), -176(a), -176(b)	Parking or leaving vehicle on highway or bridge with speed limit 45 m.p.h. or greater, unless vehicle is disabled	Infraction
20-161(b), -176(a), -176(b)	Parking or leaving vehicle on highway shoulder unless it can be clearly seen by driver from 200 feet	Infraction
20-161(c), -176(a), -176(b)	Failing to display warning devices for truck, truck tractor, etc., disabled on highway	Infraction
20-161.1, -176(a), -176(b)	Night parking on highway and vehicle's bright lights facing oncoming traffic	Infraction

420. The statute mandates a driver's license or commercial driver's license suspension for 90 days, which requires the defendant to surrender his or her license to the court as required by G.S. 20-24(a).

Statute	Description of Offense	Punishment
20-162(a), -176(a), -176(b)	Parking vehicle on highway in front of private driveway, fire hydrant, fire station, etc.	Infraction
20-162(b), -176(a), -176(b)	Parking or leaving vehicle on highway or public vehicular area in area designated as fire lane	Infraction
20-163, -176(a), -176(b)	Leaving vehicle on highway or public vehicular area without stopping engine, setting brake, etc.	Infraction
<i>Traveling Wrong Way on One-Way Street</i>		
20-165.1, -176(a), -176(b)	Going wrong way on one-way highway under Department of Transportation jurisdiction	Infraction

### Accident Responsibility Laws

20-166(a)	Failing to stop vehicle involved in crash resulting in serious bodily injury or death	Class F felony <sup>421</sup>
20-166(a1)	Failing to stop vehicle involved in crash resulting in injury	Class H felony <sup>422</sup>
20-166(b)	Driver involved in crash under 20-166(a) or (a1) failing to give name, address, driver's license number, etc.	Class 1 misdemeanor <sup>423</sup>
20-166(c)	Failing to stop vehicle involved in crash involving only property damage or injury or death if driver did not know of injury or death	Class 1 misdemeanor
20-166(c1)	Driver involved in crash under 20-166(c) failing to give name, address, driver's license number, etc.	Class 1 misdemeanor
20-166.1(a), -166.1(k), -176(c)	Failure by driver involved in reportable accident to notify appropriate law enforcement agency	Class 2 misdemeanor
20-166.1(b), -166.1(k), -176(c)	Failure by driver involved in reportable accident to furnish proof of financial responsibility to DMV on request	Class 2 misdemeanor
20-166.1(c), -166.1(k), -176(c)	Failure by driver involved in collision with parked or unattended vehicle to report collision to owner and DMV	Class 2 misdemeanor
20-166.2(a)	Passenger leaving scene of accident or facilitating removal of vehicle in accident involving personal injury or death	Class H felony

421. G.S. 20-17(a)(4) and G.S. 20-166(e) mandate a DMV driver's license suspension for this offense, the length of which is governed by both statutes. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

422. G.S. 20-166(e) mandates a DMV driver's license suspension, the length of which is governed by the subsection, although the trial court may issue a limited driving privilege for a first conviction. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

423. G.S. 20-17(a)(4) mandates a DMV driver's license suspension for this offense for a period of one year under G.S. 20-19(f). The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).



<b>Statute</b>	<b>Description of Offense</b>	<b>Punishment</b>
20-166.2(a)	Passenger leaving scene of accident or facilitating removal of vehicle in accident involving property damage only or personal injury or death not known to driver	Class 1 misdemeanor
20-166.2(b)	Passenger's failure to transfer information to others involved in accident or to render assistance to injured	Class 1 misdemeanor

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### **Transportation of Spent Nuclear Fuel**

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20-167.1	Transporting spent nuclear fuel without notifying State Highway Patrol	Class 3 misdemeanor punishable only by a minimum \$500 fine
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### **All-Terrain Vehicle Violations**

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20-171.15, -171.21	Parent or guardian permitting operation of all-terrain vehicle by child in violation of age restrictions	Infraction with maximum \$200 penalty
20-171.17, -171.21	Selling all-terrain vehicle for unlawful use by underage person	Infraction with maximum \$200 penalty
20-171.18, -171.21	Sale or operation of improperly equipped all-terrain vehicle	Infraction with maximum \$200 penalty
20-171.19(a), -171.21	Operating all-terrain vehicle on highway or public vehicular area without eye protection or helmet	Infraction with maximum \$200 penalty
20-171.19(a1), -171.21	Person under 18 years old operating all-terrain vehicle off highway or public vehicular area without eye protection or helmet	Infraction with maximum \$200 penalty
20-171.19(b), -171.21	Authorization by owner of unlawful operation of all-terrain vehicle	Infraction with maximum \$200 penalty
20-171.19(c), -171.21	Operating all-terrain vehicle while impaired by alcohol or drugs	Infraction with maximum \$200 penalty
20-171.19(d), -171.21	Operating all-terrain vehicle in careless or reckless manner	Infraction with maximum \$200 penalty
20-171.19(e), -171.9(f), -171.21	Operating all-terrain vehicle on highway (except when crossing the street) or an interstate highway	Infraction with maximum \$200 penalty
20-171.19(g), -171.21	Operating all-terrain vehicle after dark without lighted headlight and taillight	Infraction with maximum \$200 penalty
20-171.20, -171.21	Operating all-terrain vehicle without possessing safety certificate by person born on or after January 1, 1990	Infraction with maximum \$200 penalty

Statute	Description of Offense	Punishment
<b>Pedestrian Crosswalk Violations</b>		
20-173(a), -176(a), -176(b)	Failing to yield to pedestrian at marked or unmarked crosswalk	Infraction
20-173(b), -176(a), -176(b)	Passing vehicle stopped at pedestrian crosswalk	Infraction
20-173(c), -176(a), -176(b)	Failing to yield to pedestrian or bicyclist when entering highway from private road or driveway	Infraction
20-174	Pedestrian unlawfully crossing roadway at other than crosswalk or along highway	Infraction
<b>Standing, Sitting, or Lying in Street</b>		
20-174.1	Sitting, standing, or lying on highway	Class 2 misdemeanor
<b>Soliciting Rides, Employment, or Business on Highways</b>		
20-175(a), -176(a), -176(b)	Standing in highway, except on shoulder, to solicit ride	Infraction
20-175(b), -176(a), -176(b)	Standing or loitering in highway to solicit employment, business, or contributions that impedes traffic	Infraction
<b>Violating Limited Driving Privilege</b>		
20-179.3(j), -28(a)	Violating restriction of limited driving privilege issued after conviction of impaired driving under 20-138.1	Class 1 misdemeanor <sup>424</sup>
20-179.3(j), -28(a)	Violating restriction of limited driving privilege issued after driver's license was forfeited under 15A-1331.1, revoked under 20-17.3, etc.	Class 3 misdemeanor <sup>425</sup>
<b>Failing to Dim Headlights</b>		
20-181	Failing to dim headlights	Infraction with maximum \$10 penalty

424. For a first offense, the driver's license is revoked by DMV for an additional year; for a second offense, two additional years; for a third or subsequent offense, permanently. The defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

425. S.L. 2013-360 changed the punishment to a Class 3 misdemeanor, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 1 misdemeanor. For the length of a driver's license revocation, see note 424.

Statute	Description of Offense	Punishment
<b>Equipment Inspection Laws</b>		
20-183.8(a)(1)	Failure to have vehicle inspected as evidenced by lack of current electronic inspection authorization or otherwise	Infraction with maximum \$50 penalty
20-183.8(a)(2)	Allowing electronic authorization to be issued to person's vehicle knowing vehicle was not inspected or was not inspected properly	Infraction with maximum \$50 penalty
20-183.8(a)(3)	Issuing electronic authorization for vehicle knowing or having reasonable grounds to believe inspection was not performed or was performed improperly	Infraction with maximum \$50 penalty
20-183.8(c)	Forging inspection sticker, buying or selling forged inspection sticker, etc.	Class I felony
<b>Passing Stopped School Bus</b>		
20-217(a), -217(e)	Passing stopped school bus	Class 1 misdemeanor <sup>426</sup>
20-217(a), -217(g)	Passing stopped school bus and striking person	Class I felony <sup>427</sup>
20-217(a), -217(g)	Passing stopped school bus and striking person, resulting in person's death	Class H felony <sup>428</sup>
<b>Bus Driver Rules</b>		
20-217(d)	Stopping school bus to receive or discharge passengers when passengers would have to cross roadway	Class 1 misdemeanor with minimum \$500 fine
20-218(b)	Driving school bus with child passenger over 45 m.p.h. or driving school activity bus with child passenger over 55 m.p.h.	Class 3 misdemeanor
20-218.2	Driving nonprofit organization's activity bus for nonprofit purpose over 55 m.p.h.	Class 3 misdemeanor

426. S.L. 2013-293, effective for offenses committed on or after December 1, 2013, (1) imposes a minimum \$500 fine for a conviction of this offense, (2) requires a one-year DMV driver's license revocation for a second conviction of a misdemeanor violation within three years, and (3) requires a permanent DMV driver's license revocation for a third conviction of a misdemeanor within any time period. *See* G.S. 20-217(e), (g1). The mandatory revocations for a second or third conviction require a defendant to surrender his or her license to the court under G.S. 20-24(a).

427. S.L. 2013-293, effective for offenses committed on or after December 1, 2013, imposes a minimum \$1,250 fine and a mandatory two-year DMV driver's license revocation for a conviction of this offense. For a second felony conviction, there is a permanent revocation. *See* G.S. 20-217(g), (g1). For offenses committed before December 1, 2013, there is a mandatory one-year DMV driver's license revocation for a conviction of this offense under G.S. 20-17(a)(3). For any of these convictions, the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

428. S.L. 2013-293, effective for offenses committed on or after December 1, 2013, imposes a minimum \$2,500 fine and a mandatory three-year DMV driver's license revocation for a conviction of this offense. For a second felony conviction, there is a permanent revocation. *See* G.S. 20-217(g), (g1). For offenses committed before December 1, 2013, there is a mandatory one-year DMV driver's license revocation for a conviction of this offense under G.S. 20-17(a)(3). For any of these convictions, the defendant must surrender his or her driver's license to the court as required by G.S. 20-24(a).

Statute	Description of Offense	Punishment
<b>Motor Vehicle Dealers</b>		
20-287, -308	Engaging in motor vehicle business without license	Class 1 misdemeanor <sup>429</sup>
<b>Insurance Violations</b>		
20-313(a)	Operating or allowing vehicle registered in North Carolina to be operated without required financial responsibility	Class 3 misdemeanor <sup>430</sup>
20-313.1(a)	Making false certification concerning financial responsibility	Class 1 misdemeanor
20-313.1(b)	Giving false information to DMV concerning another's financial responsibility	Class 1 misdemeanor
<b>Motor Carrier Safety</b>		
20-384	Federal safety inspection violation	Infraction with maximum \$50 penalty
20-396(a)	Seeking to evade regulations in Article 17 provided for motor carriers	Class 3 misdemeanor, but only punished by maximum \$500 fine for first offense or maximum \$2,000 fine for subsequent offense
20-396(b)	Motor carrier or person violating reporting obligations to DMV or Department of Public Safety	Class 3 misdemeanor, but only punished by maximum \$5,000 fine
<b>Chapter 44A: Statutory Liens and Charges</b>		
44A-12.1(c)	Filing, or attempting to file, false claim of lien on real property	Class I felony <sup>431</sup>
<b>Chapter 49: Children Born Out of Wedlock</b> <sup>432</sup>		
49-2, -8	Nonsupport by parent of child born out of wedlock	Class 2 misdemeanor <sup>433</sup>

429. G.S. 20-287(b) and (c) also authorize DMV to levy and collect civil penalties.

430. S.L. 2013-360 changed the punishment to a Class 3 misdemeanor, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 1 misdemeanor.

431. Applies to offenses committed on or after December 1, 2012. For an offense committed before December 1, 2012, a violation of G.S. 44A-12.1(c) is a Class 1 misdemeanor.

432. S.L. 2013-198, effective June 26, 2013, changed the term "bastardy" to "children born out of wedlock" in the chapter's title as well as throughout the chapter and other chapters. It also changed "illegitimate child" to "child born out of wedlock."

433. 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
<b>Chapter 50B: Domestic Violence</b>		
50B-3.1(i), -3.1(j)	While subject to protective order prohibiting possession or purchase of firearms:	
	Failing to surrender firearms, ammunition, permits to purchase firearms, or concealed firearm permits	Class H felony
	Failing to disclose information pertaining to firearms, ammunition, permits to purchase firearms, or concealed firearm permits	Class H felony
	Providing false information to court regarding firearms, ammunition, permits to purchase firearms, or concealed firearm permits	Class H felony
50B-4.1(a)	Knowingly violating valid protective order	Class A1 misdemeanor <sup>434</sup>
50B-4.1(d)	Committing felony knowing that valid domestic violence protective order prohibits behavior	Felony one class higher than felony committed <sup>435</sup>
50B-4.1(f)	Knowingly violating valid domestic violence protective order after conviction of two offenses under Chapter 50B	Class H felony <sup>436</sup>
50B-4.1(g)	Knowingly violating valid domestic violence protective order by failing to stay away from place or person while possessing deadly weapon	Class H felony <sup>437</sup>
50B-4.1(g1)	Person subject to valid domestic violence protective order entering property operated as safe house or haven for domestic violence victims where protected person is residing	Class H felony <sup>438</sup>
50B-4.2	Knowingly making false statement that domestic violence protective order remains in effect	Class 2 misdemeanor

### Chapter 53: Banks

53-276, -287	Engaging in check-cashing business without license	Class I felony <sup>439</sup>
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434. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

435. G.S. 50B-4.1(d) does not apply to Class A or B1 felonies or to Class H felonies under G.S. 50B-4.1(f) or (g). This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

436. This offense is covered under the Crime Victims' Rights Act (G.S. 15A-830 through -841).

437. See note 436.

438. See note 436.

439. G.S. 53-287 provides that each transaction involving the unlawful cashing of a check, draft, or money order constitutes a separate offense.

Statute	Description of Offense	Punishment
<b>Chapter 58: Insurance</b>		
58-2-161	False statement in support of or in opposition to claim for insurance benefits	Class H felony <sup>440</sup>
58-2-162	Embezzlement by insurance agent: Of things valued less than \$100,000 Of things valued \$100,000 or more	Class H felony Class C felony
58-2-164(b)(1)	Rate evasion fraud	Class 3 misdemeanor <sup>441</sup>
58-2-164(b)(2)	Assisting, abetting, soliciting, or conspiring with another to engage in rate evasion fraud	Class 3 misdemeanor <sup>442</sup>
58-71-40, -71-185	Person acting as bondsman or runner without being licensed	Class 1 misdemeanor
58-71-95(5)	Failure by bail bondsman or runner to return collateral security of more than \$1,500	Class I felony
58-71-95(6), -71-185	Bondsman or runner soliciting business in office of magistrate, courts, and other similar places	Class 1 misdemeanor
<b>Chapter 62: Public Utilities</b>		
62-150	Entering conveyance by intoxicated person after being forbidden by driver	Class 1 misdemeanor
62-319	Riding on train unlawfully	Class 3 misdemeanor
62-322	Unauthorized manufacture or sale of switch-lock keys	Class 1 misdemeanor
62-328	Use of CB radio not authorized by Federal Communications Commission	Class 3 misdemeanor
<b>Chapter 63: Aeronautics</b>		
63-26.1	Trespassing on airport property	Class 2 misdemeanor
63-27	Operating aircraft while impaired	Class 1 misdemeanor <sup>443</sup>
63-37.1	Obstructing takeoff or landing of aircraft at airport	Class 1 misdemeanor

440. G.S. 58-2-161(b) provides that conspiracy or solicitation to present a fraudulent statement is a Class H felony. The court may order as a condition of probation that the defendant pay restitution. In determining the amount of restitution, the reasonable costs and attorneys' fees incurred by the victim in investigating the claim may be considered part of the damage arising out of the offense.

441. In addition to any other penalties provided by law, the offense is punishable by a fine up to \$1,000.

442. See note 441.

443. A second or subsequent conviction of this offense is a Class I felony.

Statute	Description of Offense	Punishment
<b>Chapter 66: Commerce and Business</b>		
66-254.1	Sale by itinerant merchant of pseudoephedrine product and certain drugs:	
	First offense	Class 1 misdemeanor
	Second offense	Class A1 misdemeanor
	Third or subsequent offense	Class I felony
<b>Chapter 67: Dogs</b>		
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
67-12	Permitting dog to run at large at night	Class 3 misdemeanor <sup>444</sup>
<b>Chapter 75A: Boating and Water Safety</b>		
75A-10(b1)	Impaired boating	Class 2 misdemeanor with minimum \$250 fine <sup>445</sup>
<b>Chapter 84: Attorneys-at-Law</b>		
84-2	Engaging in practice of law by justice, judge, magistrate, full-time district attorney, full-time assistant district attorney, public defender, assistant public defender, clerk, deputy or assistant clerk, and certain others	Class 3 misdemeanor <sup>446</sup>
84-4, -8(a)	Unlawful practice of law	Class 1 misdemeanor

444. G.S. 67-12 provides that a person who violates this section shall be liable in damages to any person injured or suffering loss to property or chattels.

445. A required minimum \$250 fine was added by S.L. 2013-380, effective for offenses committed on or after December 1, 2013. For an offense committed before that date, a minimum fine is not required.

446. A violation is punishable only by a fine of at least \$200.

Statute	Description of Offense	Punishment
<b>Chapter 90: Medicine and Allied Occupations</b>		
<b>Article 5: North Carolina Controlled Substances Act<sup>447</sup></b>		
90-95(a)(1), -95(b)(1)	Schedule I or II controlled substance:	
	Sale	Class G felony <sup>448</sup>
	Manufacture, delivery, or possession with intent to manufacture, sell, or deliver, except manufacture of methamphetamine	Class H felony
90-95(a)(1), -95(b)(1a)	Manufacture of methamphetamine	Class C felony <sup>449</sup>
90-95(a)(1), -95(b)(2)	Schedule III-VI controlled substance:	
	Sale	Class H felony <sup>450</sup>
	Manufacture, delivery, or possession with intent to manufacture, sell, or deliver	Class I felony <sup>451</sup>
90-95(a)(2), -95(c)	Counterfeit controlled substance: creation, sale, delivery, or possession with intent to sell or deliver	Class I felony

447. G.S. 90-96(a) and (a1) contain special provisions for sentencing first-time offenders found guilty of misdemeanor or felony possession of a controlled substance. A misdemeanor possession conviction may be expunged if the defendant was not over 21 years old when committing the offense and other requirements are met. *See* G.S. 15A-145.2(c), 90-96(e). *See* John Rubin, RELIEF FROM A CRIMINAL CONVICTION: A DIGITAL GUIDE TO EXPUNCTIONS, CERTIFICATES OF RELIEF, AND OTHER PROCEDURES IN NORTH CAROLINA (UNC School of Government, 2012), [www.sog.unc.edu/node/2588](http://www.sog.unc.edu/node/2588).

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

1. G.S. 90-95(e) provides for increased punishment for certain violations of the act. 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 Article 5, the defendant shall be punished as a Class I felon. Note that drug paraphernalia offenses are in Article 5B and thus do not qualify under this provision. 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. A prior conviction that elevates an offense to a higher class may not be used to calculate a prior record or conviction level. 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. G.S. 90-95(f) provides that a person convicted of an offense under Article 5 who is sentenced to an active term of imprisonment less than the maximum term that could have been imposed may also be sentenced to post-prison special probation to follow the active sentence for a period up to five years. Upon revocation of this 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.
3. G.S. 90-95.3(a) authorizes the court to order a person convicted of a violation of Article 5 to make restitution to any law enforcement agency for reasonable expenditures made in buying controlled substances from the defendant. G.S. 7A-304(a)(7) and (a)(8) require the court to order a convicted defendant to pay \$600 as a court cost in cases in which, as part of the investigation leading to the defendant's conviction, the North Carolina State Crime Laboratory or local government crime laboratory performed an analysis of any controlled substance possessed by the defendant or the defendant's agent.
4. Property used in connection with a violation of Article 5 is subject to forfeiture as provided in G.S. 90-112 and -112.1.

448. Sale and delivery of the same controlled substance is one offense, subject to one punishment. *See* State v. Moore, 327 N.C. 378 (1990).

449. Packaging, repackaging, labeling, or relabeling methamphetamine are Class H felonies even though those actions might be considered forms of manufacturing.

450. *See* note 448.

451. G.S. 90-95(b)(2) provides that the transfer for no remuneration of less than 5 grams of marijuana or less than 2.5 grams of a synthetic cannabinoid or any mixture containing synthetic cannabinoid does not constitute a delivery in violation of G.S. 90-95(a)(1).



Statute	Description of Offense	Punishment
90-95(a)(3), -95(d)(1)	Possession of Schedule I controlled substance	Class I felony <sup>452</sup>
90-95(a)(3), -95(d)(2)	Possession of Schedule II–IV controlled substance:  100 dosage units or less, except certain controlled substances  Any quantity of cocaine, amphetamine, methamphetamine, or PCP, more than 4 dosage units of hydromorphone, or more than 100 dosage units of other substances	Class 1 misdemeanor  Class I felony <sup>453</sup>
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, up to 7 grams of synthetic cannabinoid, or 1/20 oz. hashish  More than 1/2 oz. marijuana, 7 grams of synthetic cannabinoid, or 1/20 oz. hashish  More than 1 and 1/2 oz. marijuana, 21 grams of synthetic cannabinoid, or 3/20 oz. hashish, or any amount of synthetic tetrahydrocannabinols	Class 3 misdemeanor <sup>454</sup>  Class 1 misdemeanor  Class I felony
90-95(d1)(1)a.	Possession of precursor chemical with intent to manufacture controlled substance	Class H felony
90-95(d1)(1)b.	Possession or distribution of precursor chemical with knowledge or reasonable belief that it will be used to manufacture controlled substance	Class H felony
90-95(d1)(1)c.	Possession of pseudoephedrine product if person has prior conviction of possession or manufacture of methamphetamine	Class H felony <sup>455</sup>
90-95(d1)(2)a.	Possession of precursor chemical with intent to manufacture methamphetamine	Class F felony
90-95(d1)(2)b.	Possession or distribution of precursor chemical with knowledge or reasonable belief that it will be used to manufacture methamphetamine	Class F felony

452. If the controlled substance is MDPV and the quantity is 1 gram or less, the violation is a Class 1 misdemeanor.

453. In *State v. Jones*, 358 N.C. 473 (2004), the court held that possession of cocaine in violation of G.S. 90-95(a)(3) is a felony and therefore a conviction of that offense may serve as an underlying felony in a habitual felon prosecution.

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

455. This statutory provision was enacted by S.L. 2013-124, effective for offenses committed on or after December 1, 2013.

Statute	Description of Offense	Punishment
90-95(e)(5), -95(a)(1)	Sale or delivery of controlled substance in violation of 90-95(a)(1): <sup>456</sup>	
	By person 18 or older to person under 16 but over 13 or to pregnant female	Class D felony
	By person 18 or older to person 13 or younger	Class C felony
90-95(e)(8), -95(a)(1)	Violation of 90-95(a)(1) by person 21 or older within 1,000 feet of elementary or secondary school or licensed child care center	Class E felony <sup>457</sup>
90-95(e)(9), -95(a)(3)	Possession of controlled substance in prison or jail	Class H felony
90-95(e)(10), -95(a)(1)	Violation of 90-95(a)(1) by person 21 or older on or within 1,000 feet of public park	Class E felony <sup>458</sup>
90-95(h)(1)	Trafficking in marijuana: <sup>459</sup>	
	More than 10 and less than 50 pounds	Class H drug-trafficking felony; fine of not less than \$5,000
	50–1,999 pounds	Class G drug-trafficking felony; fine of not less than \$25,000
	2,000–9,999 pounds	Class F drug-trafficking felony; fine of not less than \$50,000
	10,000 pounds or more	Class D drug-trafficking felony; fine of not less than \$200,000

456. G.S. 90-95(e)(5) does not specifically address the consequences of transferring less than 5 grams of marijuana for no remuneration. *Compare* G.S. 90-95(e)(8) (stating that such a transfer does not constitute a delivery in violation of G.S. 90-95(a)(1)). Because a sale or delivery in violation of G.S. 90-95(a)(1) is a required element of this offense, however, such a transfer may not constitute a violation of G.S. 90-95(e)(5). *See* G.S. 90-95(b)(2) (stating that such a transfer does not constitute a delivery in violation of G.S. 90-95(a)(1)).

457. The statute specifically provides that a transfer of less than 5 grams of marijuana for no remuneration is not a delivery for this offense.

458. *See* note 457.

459. A defendant convicted of drug trafficking is not sentenced according to the usual structured sentencing rules. A defendant convicted of drug trafficking must be fined as set forth in the text and the following minimum and maximum sentences apply regardless of the person's prior record level:

Class C drug-trafficking felony: Minimum 225 months; maximum 282 months.

Class D drug-trafficking felony: Minimum 175 months; maximum 222 months.

Class E drug-trafficking felony: Minimum 90 months; maximum 120 months.

Class F drug-trafficking felony: Minimum 70 months; maximum 93 months.

Class G drug-trafficking felony: Minimum 35 months; maximum 51 months.

Class H drug-trafficking felony: Minimum 25 months; maximum 39 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. *See also* State v. Saunders, 131 N.C. 551 (1998) (in imposing sentence after finding substantial assistance, court is not required to impose minimum sentence prescribed under structured sentencing). 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 offenses 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 (1987) (construing similar consecutive sentencing provisions); State v. Crain, 73 N.C. App. 269 (1985) (to same effect).

Statute	Description of Offense	Punishment
90-95(h)(1a)	Trafficking in synthetic cannabinoids: <sup>460</sup>	
	More than 50 but less than 250 dosage units	Class H drug-trafficking felony; fine of not less than \$5,000
	250–1,249 dosage units	Class G drug-trafficking felony; fine of not less than \$25,000
	1,250–3,749 dosage units	Class F drug-trafficking felony; fine of not less than \$50,000
	3,750 dosage units or more	Class D drug-trafficking felony; fine of not less than \$200,000
90-95(h)(2)	Trafficking in methaqualone: <sup>461</sup>	
	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)(3)	Trafficking in cocaine: <sup>462</sup>	
	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)(3b)	Trafficking in methamphetamine: <sup>463</sup>	
	28–199 grams	Class F drug-trafficking felony; fine of not less than \$50,000
	200–399 grams	Class E drug-trafficking felony; fine of not less than \$100,000
	400 grams or more	Class C drug-trafficking felony; fine of not less than \$250,000

460. See note 459.

461. See note 459.

462. See note 459.

463. See note 459.

Statute	Description of Offense	Punishment
90-95(h)(3c)	Trafficking in amphetamine: <sup>464</sup>	
	28–199 grams	Class H drug-trafficking felony; fine of not less than \$5,000
	200–399 grams	Class G drug-trafficking felony; fine of not less than \$25,000
90-95(h)(3d)	Trafficking in MDPV: <sup>465</sup>	
	28–199 grams	Class F drug-trafficking felony; fine of not less than \$50,000
	200–399 grams	Class E drug-trafficking felony; fine of not less than \$100,000
90-95(h)(3e)	Trafficking in mephedrone: <sup>466</sup>	
	28–199 grams	Class F drug-trafficking felony; fine of not less than \$50,000
	200–399 grams	Class E drug-trafficking felony; fine of not less than \$100,000
90-95(h)(4)	Trafficking in opium or heroin: <sup>467</sup>	
	4–13 grams	Class F drug-trafficking felony; fine of not less than \$50,000
	14–27 grams	Class E drug-trafficking felony; fine of not less than \$100,000
90-95(h)(4a)	Trafficking in LSD: <sup>468</sup>	
	100–499 dosage units	Class G drug-trafficking felony; fine of not less than \$25,000
	500–999 dosage units	Class F drug-trafficking felony; fine of not less than \$50,000
	1,000 dosage units or more	Class D drug-trafficking felony; fine of not less than \$200,000

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464. See note 459.

465. See note 459.

466. See note 459.

467. See note 459.

468. See note 459.

Statute	Description of Offense	Punishment
90-95(h)(4b)	Trafficking in MDA/MDMA: <sup>469</sup>	
	100–499 dosage units or 28–199 grams	Class G drug-trafficking felony; fine of not less than \$25,000
	500–999 dosage units or 200–399 grams	Class F drug-trafficking felony; fine of not less than \$50,000
	1,000 dosage units, or 400 grams, or more	Class D drug-trafficking felony; fine of not less than \$250,000
90-95(i)	Conspiracy to commit drug-trafficking offense	Punishable by same penalties as for drug-trafficking felony defendant conspired to commit <sup>470</sup>
90-95.1	Continuing criminal enterprise	Class C felony; forfeiture of enterprise profits and other property set out in statute
90-95.4(a), -95(a)(1)	Hiring or intentionally using minor to violate 90-95(a)(1):	
	When defendant is at least 18 but less than 21 and minor is more than 13	Felony one class greater than violation for which minor was hired
	When defendant is at least 18 but less than 21 and minor is 13 or younger	Felony two classes greater than violation for which minor was hired
90-95.4(b), -95(a)(1)	Hiring or intentionally using minor to violate 90-95(a)(1): <sup>471</sup>	
	When defendant is 21 or older and minor is more than 13	Felony three classes greater than violation for which minor was hired
	When defendant is 21 or older and minor is 13 or younger	Felony four classes greater than violation for which minor was hired
90-95.6, -95(a)(1)	Promotion by person 21 or older of violation of 90-95(a)(1) by minor	Class D felony
90-95.7, -95(a)(1)	Purchasing or receiving controlled substance by person 21 or older from minor 13 or younger who violates 90-95(a)(1)	Class G felony

469. See note 459.

470. Under G.S. 90-95(i), a drug-trafficking conspiracy is the same class of offense as a completed drug-trafficking offense and is subject to the same mandatory minimum penalties and exceptions. See note 459. Compare with note 472 (noting different treatment of an attempt to commit drug-trafficking offenses). But a drug-trafficking conspiracy is subject to a limitation not applicable to a completed trafficking offense. In *State v. Worthington*, 84 N.C. App. 150 (1987), the court 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 (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).

471. A person 21 or older who hires, employs, or intentionally uses a person under 18 to commit a violation of G.S. 90-95 is liable in a civil action for drug addiction proximately caused by the violation. See G.S. 90-95.5.

Statute	Description of Offense	Punishment
90-98	Controlled Substances Act: Conspiracy to violate  Attempt to violate	Same class as offense for which conspiracy created  Same class as offense attempted <sup>472</sup>
90-108(a)(1)	Impersonating a licensed practitioner	Class 1 misdemeanor <sup>473</sup>
90-108(a)(2)	Unlawful distribution by registrant or practitioner	Class 1 misdemeanor <sup>474</sup>
90-108(a)(3), -108(a)(8), -108(a)(9)	Violating registration provisions relating to authorized manufacture or distribution	Class 1 misdemeanor <sup>475</sup>
90-108(a)(5)	Failing to keep or furnish records required by Article 5	Class 1 misdemeanor <sup>476</sup>
90-108(a)(7)	Maintaining building or vehicle for use by persons violating Article 5 or for keeping or selling controlled substance	Class 1 misdemeanor <sup>477</sup>
90-108(a)(7), -108(b)(1)	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 <sup>478</sup>
90-108(a)(13)	Obtaining controlled substance by use of legal prescription obtained by misrepresentation	Class 1 misdemeanor <sup>479</sup>
90-108(a)(14), -108(b)(2)	Embezzlement of controlled substance by employee of registrant or practitioner	Class G felony <sup>480</sup>

472. Under G.S. 90-98, an attempt to commit a drug-trafficking offense is the same class of offense as the completed offense, but it is subject to the regular structured-sentencing punishments; the mandatory minimum penalties for a completed drug-trafficking offense are not applicable to an attempt. *See State v. Clark*, 137 N.C. App. 90 (2000).

473. 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, the violation shall be a Class I felony.

474. *See note 473.*

475. *See note 473.*

476. *See note 473.*

477. The court in *State v. Bright*, 78 N.C. App. 239 (1985), considered the applicability of G.S. 90-108(b) to this offense. *See note 473.* The court held that 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.

478. The court in *State v. Church*, 73 N.C. App. 645 (1985), held that because a commission of this offense is by definition intentional and G.S. 90-108(b) provides that an intentional violation of G.S. 90-108 is a Class I felony, a misdemeanor offense under G.S. 90-108(a)(10) does not exist.

479. *See note 473.*

480. This offense was made a Class G felony by S.L. 2013-90, effective for offenses committed on or after December 1, 2013. An offense committed before December 1, 2013, is subject to the Class 1 misdemeanor/Class I felony distinction in G.S. 90-108(b), as discussed in note 473.

Statute	Description of Offense	Punishment
<b>Article 5A: North Carolina Toxic Vapors Act</b> <sup>481</sup>		
90-113.10, -113.13	Inhaling fumes for purpose of intoxication	Class 1 misdemeanor
90-113.10A, -113.13	Manufacturing, selling, delivering, or possessing an alcohol vaporizing device	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 or delivery of, or possession with intent to sell or deliver, substance to induce intoxication, with knowledge of intended illegal use	Class 1 misdemeanor
<b>Article 5B: Drug Paraphernalia</b>		
90-113.22	Possession of paraphernalia	Class 1 misdemeanor <sup>482</sup>
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
<b>Article 5D: Control of Methamphetamine Precursors</b>		
90-113.56(a)	Violation by retailer of restrictions concerning pseudoephedrine in 90-113.52 through -113.54. <sup>483</sup>	
	First offense	Class A1 misdemeanor
	Subsequent offense	Class I felony

481. G.S. 90-113.14(a) and (a1) contain special provisions for sentencing first-time offenders who violate G.S. 90-113.10 or -113.11. For provisions on expunging a conviction, see G.S. 15A-145.3(c) and 90-113.14(e). *See also* John Rubin, RELIEF FROM A CRIMINAL CONVICTION: A DIGITAL GUIDE TO EXPUNCTIONS, CERTIFICATES OF RELIEF, AND OTHER PROCEDURES IN NORTH CAROLINA (UNC School of Government, 2012), [www.sog.unc.edu/node/2588](http://www.sog.unc.edu/node/2588).

482. G.S. 90-96(a) and (a1) contain special provisions for sentencing first-time offenders who violate G.S. 113.22. For provisions on expunging a conviction, see G.S. 15A-145.2(c) and 90-96(e). *See also* John Rubin, RELIEF FROM A CRIMINAL CONVICTION: A DIGITAL GUIDE TO EXPUNCTIONS, CERTIFICATES OF RELIEF, AND OTHER PROCEDURES IN NORTH CAROLINA (UNC School of Government, 2012), [www.sog.unc.edu/node/2588](http://www.sog.unc.edu/node/2588).

483. A retailer convicted of a third offense on the premises of a single establishment is prohibited under G.S. 90-113.56(a) from selling pseudoephedrine products at that establishment. G.S. 90-113.56(c) provides that a retailer who fails to train employees in accordance with G.S. 90-113.55, supervise them in transactions involving pseudoephedrine products, or discipline them for violations is subject to a fine of up to \$500 for a first violation, up to \$750 for a second violation, and up to \$1,000 for a third or subsequent violation. These sanctions, although labeled “fines,” appear to be civil penalties, imposed administratively and not as part of a criminal case.

Statute	Description of Offense	Punishment
90-113.56(b)	Violation by purchaser or employee of retailer of restrictions concerning pseudoephedrine in 90-113.52 through -113.54:	
	First offense	Class 1 misdemeanor
	Second offense	Class A1 misdemeanor
	Third or subsequent offense	Class I felony
<b>Article 5F: Control of Potential Drug Paraphernalia Products</b>		
90-113.82, -113.83(a)	Violation of restrictions on glass tubes or splitters in 90-113.82 by retailer or employee of retailer	Class 2 misdemeanor
90-113.82(b), -113.83(b)	False statement in fulfilling requirements in 90-113.82(b)	Class 1 misdemeanor
<b>Chapter 95: Department of Labor and Labor Regulations</b>		
95-111.11(b), -111.13(i)	Operating amusement device, or knowingly permitting operator to operate device, while impaired. <sup>484</sup>	
	First offense resulting in death	Class 2 misdemeanor; fine up to \$10,000
	Second offense resulting in death	Class 1 misdemeanor; fine up to \$20,000
<b>Chapter 96: Employment Security</b>		
96-18(a)	False statement to obtain benefit. <sup>485</sup>	
	Value of benefit wrongfully obtained is \$400 or less	Class 1 misdemeanor
	Value of benefit wrongfully obtained is more than \$400	Class I felony
96-18(b)	Violations by employer:	
	False statement to avoid or reduce benefit or contribution	Class 1 misdemeanor
	Failing to produce required records	Class 1 misdemeanor
96-18(c)	Other violations of employment security laws	Class 1 misdemeanor

484. These statutory provisions do not bar the prosecution for any appropriate degree of homicide. *See* G.S. 95-111.13(i). A person who violates G.S. 95-111.11(b) is also subject to a civil penalty of up to \$1,000, imposed by the Commissioner of Labor. *See* G.S. 95-111.13(e).

485. Effective for offenses committed on or after December 1, 2012, G.S. 96-18(a) was amended to distinguish the level of punishment based on the amount of benefit wrongfully obtained. For an offense committed before December 1, 2012, the punishment is a Class 1 misdemeanor.



Statute	Description of Offense	Punishment
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**Chapter 97: Workers' Compensation Act**

97-88.2(a)	False statement to obtain or deny benefit:	
	If amount is less than \$1,000	Class 1 misdemeanor
	If amount is \$1,000 or more	Class H felony
97-88.2(c)	Threatening criminal prosecution to coerce employee to agree to or forego compensation	Class H felony

**Chapter 105: Taxation**

105-236(a)(7)	Attempting to evade or defeat tax	Class H felony
105-236(a)(8)	Failing to collect, withhold, or pay over tax	Class 1 misdemeanor
105-236(a)(9)	Failing to file return, supply information, or pay tax	Class 1 misdemeanor
105-236(a)(9a)	Aiding presentation of false return:	
	By income tax return preparer if tax fraudulently evaded in 1 year is \$100,000 or more	Class C felony
	By income tax return preparer if tax fraudulently evaded in 1 year is less than \$100,000	Class F felony
	By person who is not income tax return preparer	Class H felony
105-236(a)(10b)	Receiving money from taxpayer and failing to remit to Secretary of Revenue	Class F felony
105-308	Property taxes:	
	Failing to list property	Class 2 misdemeanor
	Attempting to evade tax on property	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 electronic food and nutrition benefits:	
	If value wrongfully received is \$400 or less	Class 1 misdemeanor
	If value wrongfully received exceeds \$400	Class I felony
108A-53(b)	Presenting fraudulently obtained electronic food and nutrition benefits	Class 1 misdemeanor
108A-53(c)	Receiving fraudulently obtained electronic food and nutrition benefits	Class 1 misdemeanor

Statute	Description of Offense	Punishment
108A-53.1(a)	Unlawful purchase, sale, or distribution of electronic food and nutrition benefits, or possession with intent to sell or distribute	Class H felony
108A-53.1(b)	Unlawful use, transfer, acquisition, alteration, or possession of electronic food and nutrition benefits:	
	If value is less than \$100	Class 1 misdemeanor
	If value is \$100 to less than \$500	Class A1 misdemeanor
	If value is \$500 to less than \$1,000	Class I felony
	If value is \$1,000 or more	Class H felony
108A-57	Withholding information about subrogation rights	Class 1 misdemeanor
108A-63(a), -63(b), -63(f), -63(g), -63(h)	Medical assistance fraud and related offenses by provider	Class I felony
108A-63(e)	Medical assistance fraud through scheme by provider	Class H felony <sup>486</sup>
108A-64	Medical assistance fraud by recipient:	
	If value wrongfully received is \$400 or less	Class 1 misdemeanor
	If value wrongfully received exceeds \$400	Class I felony
<b>Chapter 110: Child Welfare</b>		
110-107	Child care subsidy fraud:	
	If subsidy is more than \$1,000	Class I felony
	If subsidy is \$1,000 or less	Class 1 misdemeanor
<b>Chapter 113: Conservation and Development</b>		
113-174.1(a), -135(a)	Recreational fishing without license	Infraction <sup>487</sup>
113-270.1B(a), -135(a)	Fishing without license	Infraction <sup>488</sup>
<b>Chapter 115C: Elementary and Secondary Education</b>		
115C-332(h)	Willfully giving false information on public school employment application that is basis for criminal history check	Class A1 misdemeanor
115C-378, -380	Failing to require child to attend school	Class 1 misdemeanor

486. The subsection provides that a conspiracy to violate this subsection is a Class I felony.

487. S.L. 2013-385 changed the punishment for this offense to an infraction, effective for offenses committed on or after December 1, 2013. For an offense committed before December 1, 2013, it is a Class 3 misdemeanor.

488. See note 487.

Statute	Description of Offense	Punishment
<b>Chapter 122C: Mental Health, Developmental Disabilities, and Substance Abuse</b>		
122C-66(a)	Abuse or exploitation of Chapter 122C patient	Class 1 misdemeanor
122C-66(b)	Failure by employee to report violation of 122C-66(a) or harassment of employee on account of report	Class 3 misdemeanor <sup>489</sup>
<b>Chapter 130A: Public Health</b>		
130A-25(a), 14-3(a)	Public health violation other than violation of health control, quarantine, or isolation measures <sup>490</sup>	Class 1 misdemeanor
130A-144(f), -25, 14-3(a)	Violating health control measure	Class 1 misdemeanor <sup>491</sup>
130A-145, -25, 14-3(a)	Violating quarantine or isolation authority	Class 1 misdemeanor <sup>492</sup>
130A-185, -25(a), 14-3(a)	Failure by owner to have dog, cat, or ferret vaccinated against rabies	Class 1 misdemeanor
<b>Chapter 136: Transportation</b>		
136-18(5)	Violating Department of Transportation rules or ordinances	Class 1 misdemeanor
136-26	Roads or highways closed for construction or maintenance: Driving into new construction work	Class 1 misdemeanor
	Removing or damaging barriers, notices, or warning lights	Class 1 misdemeanor
136-90	Obstructing highway	Class 1 misdemeanor
136-91	Placing injurious object on highway or public vehicular area	Class 3 misdemeanor
136-197	Boarding train by intoxicated person after being forbidden by conductor	Class 1 misdemeanor

489. A violation of G.S. 122C-66(b) is punishable only by a fine up to \$500.

490. In addition, violations of Part 7, Article 9, of Chapter 130A and G.S. 130A-309.10(m) are Class 3 misdemeanors.

491. G.S. 130A-25(b) provides that violations of health control, quarantine, or isolation measures or authority under G.S. 130A-144(f) or G.S. 130A-145 are not subject to structured sentencing. *See also* G.S. 15A-1340.10 (exempting such violations from structured sentencing). Violating a health control measure is a Class 1 misdemeanor under G.S. 14-3(a), punishable by a term of imprisonment of not more than two years to be served at specified units set out in G.S. 130A-25(b). The person may not be released before completion of the prison term unless the court determines that release would not create a danger to the public health. *See* G.S. 130A-25(b), (c).

492. *See* note 491.

Statute	Description of Offense	Punishment
<b>Chapter 148: State Prison System</b>		
148-45(a)	Escape from state prison system by misdemeanor (first offense)	Class 1 misdemeanor <sup>493</sup>
148-45(b)	Escape from state prison system: <sup>494</sup> By person serving felony sentence or charged with felony and committed to state prison system By person previously convicted of escape or attempted escape from state prison system	Class H felony Class H felony
148-45(d)	Aiding escape from state prison system	Class 1 misdemeanor
148-46.1	Self-injury by prisoner resulting in incapacity to perform assigned work	Class H felony

493. G.S. 148-45(g)(1) provides that failure to return to the custody of the Division of Adult Correction of the Department of Public Safety from work release or other temporary release is treated as escape, punishable under the applicable subsections of G.S. 148-45. *See State v. Washington*, 54 N.C. App. 683 (1981) (although failure to return from work release in violation of subsection (g) of G.S. 148-45 is punishable as escape under subsection (a) or (b), it is a separate offense and must be specifically charged). 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.

494. *See note 493.*

# Appendix A: Crimes Covered under the Crime Victims' Rights Act (CVRA) (G.S. 15A-830)

James M. Markham

## Felonies

- Any Class A through E felony.
- Abduction of children (G.S. 14-41).
- Assault inflicting serious bodily injury (G.S. 14-32.4).
- Assault on a handicapped person (G.S. 14-32.1(e)).
- Assault on an executive, legislative, or court official with a deadly weapon or inflicting serious injury (G.S. 14-16.6(b)–(c)).
- Assault on emergency personnel with a dangerous weapon or substance (G.S. 14-288.9).
- Assault with a firearm or deadly weapon on a government officer/employee or campus/company police officer (G.S. 14-34.2).
- Assault with a firearm, deadly weapon, or inflicting serious bodily injury on a firefighter, emergency medical technician, or emergency room nurse or physician (G.S. 14-34.6(b)–(c)).
- Common-law robbery (G.S. 14-87.1).
- Domestic abuse or neglect of a disabled or elder adult causing injury or serious injury (G.S. 14-32.3(a)–(b)).
- Felonious restraint (G.S. 14-43.3).
- Felony death by vehicle (G.S. 20-141.4).
- Habitual impaired driving (G.S. 20-138.5).
- Habitual misdemeanor assault (G.S. 14-33.2).
- Human trafficking of adults (G.S. 14-43.11).
- Involuntary manslaughter (G.S. 14-18).
- Participating in the prostitution of a minor (G.S. 14-190.19).
- Patient abuse/neglect causing serious bodily injury (G.S. 14-32.2(b)(3)).
- Second degree arson (G.S. 14-58).
- Second degree burglary (G.S. 14-51).
- Second degree sexual exploitation of a minor (G.S. 14-190.17).
- Stalking, second or subsequent offense or when a court order is in effect (G.S. 14-277.3A, or former G.S. 14-277.3).
- Taking indecent liberties with children (G.S. 14-202.1).
- Third-degree sexual exploitation of a minor (G.S. 14-190.17A).
- Any attempt of the felonies listed above if the attempt is punishable as a felony.

## Misdemeanors

The following apply only when the offense is committed between persons who have a personal relationship as defined in G.S. 50B-1(b). These include: current/former spouse; persons of opposite sex who live or have lived together or who are in or were in a dating relationship; parents/children; grandparents/grandchildren; child in common; current or former household members.

- Assault by pointing a gun (G.S. 14-34).
- Assault inflicting serious injury or using a deadly weapon (G.S. 14-33(c)(1)).
- Assault on a female (G.S. 14-33(c)(2)).
- Domestic criminal trespass (G.S. 14-134.3).
- Simple assault or affray (G.S. 14-33(a)).
- Stalking, first offense (G.S. 14-277.3A, or former G.S. 14-277.3).

## Protective Order Violations

- Any violation of a valid protective order under G.S. 50B-4.1.



# Appendix B: Crimes Requiring Sex Offender Registration (G.S. 14-208.6)

James M. Markham

## Sexually violent offenses (G.S. 14-208.6(5))

First-degree rape (G.S. 14-27.2)	Convicted/released from prison on/after 1/1/1996
Rape of a child by an adult offender (G.S. 14-27.2A)	Committed on/after 12/1/2008
Second-degree rape (G.S. 14-27.3)	Convicted/released from prison on/after 1/1/1996
First-degree sexual offense (G.S. 14-27.4)	Convicted/released from prison on/after 1/1/1996
Sexual offense with a child by an adult offender (G.S. 14-27.4A)	Committed on/after 12/1/2008
Second-degree sexual offense (G.S. 14-27.5)	Convicted/released from prison on/after 1/1/1996
Sexual battery (G.S. 14-27.5A)	Committed on/after 12/1/2005
Former attempted rape/sexual offense (G.S. 14-27.6)	Convicted/released from prison on/after 1/1/1996
Intercourse/sexual offense w/certain victims (G.S. 14-27.7)	Convicted/released from prison on/after 1/1/1996
Statutory rape/Sexual offense (13–15yo/D 6+ yrs. older) (G.S. 14-27.7A(a))	Committed on/after 12/1/2006
Human trafficking ( <i>only if victim &lt; 18 or for sex servitude</i> ) (G.S. 14-43.11)	Committed on/after 12/1/2013
Sexual Servitude (G.S. 14-43.13)	Committed on/after 12/1/2006
Incest between near relatives (G.S. 14-178)	Convicted/released from prison on/after 1/1/1996
Employ minor in offense/public morality (G.S. 14-190.6)	Convicted/released from prison on/after 1/1/1996
Felony indecent exposure (G.S. 14-190.9(a1))	Committed on/after 12/1/2005
First-degree sexual exploitation of minor (G.S. 14-190.16)	Convicted/released from prison on/after 1/1/1996
Second-degree sexual exploitation of minor (G.S. 14-190.17)	Convicted/released from prison on/after 1/1/1996
Third-degree sexual exploitation of minor (G.S. 14-190.17A)	Convicted/released from prison on/after 1/1/1996
Former promoting prostitution of minor (G.S. 14-190.18)	Convicted/released from prison on/after 1/1/1996
Former participating in prostitution of minor (G.S. 14-190.19)	Convicted/released from prison on/after 1/1/1996
Taking indecent liberties with children (G.S. 14-202.1)	Convicted/released from prison on/after 1/1/1996
Solicitation of child by computer (G.S. 14-202.3)	Committed on/after 12/1/2005
Taking indecent liberties with a student (G.S. 14-202.4(a))	Convicted/released from prison on/after 12/1/2009
Patronizing minor/mentally disabled prostitute (G.S. 14-205.2(c)–(d))	Committed on/after 10/1/2013
Prostitution of minor/mentally disabled child (G.S. 14-205.3(b))	Committed on/after 10/1/2013
Parent/caretaker prostitution (G.S. 14-318.4(a1))	Convicted/released from prison on/after 12/1/2008
Parent/guardian commit/allow sexual act (G.S. 14-318.4(a2))	Convicted/released from prison on/after 12/1/2008

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**Offenses against a minor (G.S. 14-208.6(1m))—Reportable only when victim is a minor and the offender is not the minor’s parent**

Kidnapping (G.S. 14-39)	Committed on/after 4/1/1998 (at a minimum)
Abduction of children (G.S. 14-41)	Committed on/after 4/1/1998 (at a minimum)
Felonious restraint (G.S. 14-43.3)	Committed on/after 4/1/1998 (at a minimum)

**Peeping crimes (G.S. 14-208.6(4)d.)—Reportable only if the court decides registration furthers purposes of the registry and that the offender is a danger to community**

Felony peeping under G.S. 14-202 (d), (e), (f), (g), or (h)	Committed on/after 12/1/2003
<i>or second/subsequent conviction of:</i>	
Misdemeanor peeping under G.S. 14-202(a) or (c)	Committed on/after 12/1/2003
Misdemeanor peeping w/mirror/device under G.S. 14-202(a1)	Committed on/after 12/1/2004

**Sale of a child (G.S. 14-208.6(4)e).** Reportable only if the sentencing court rules under G.S. 14-43.14(e) that the person is a danger to the community and required to register. (*Offense committed on/after 12/1/2012.*)

**Attempt.** Final convictions for attempts to commit an “offense against a minor” or a “sexually violent offense” are reportable. G.S. 14-208.6(4)a. (*Offenses committed on/after 4/1/1998, at a minimum, unless target offense has later effective date.*)

**Conspiracy/Solicitation.** Conspiracy and solicitation to commit an “offense against a minor” or a “sexually violent offense” are reportable. G.S. 14-208.6(1m); -208.6(5). (*Offenses committed on/after 12/1/1999, unless underlying offense has a later effective date.*)

**Aiding and Abetting.** Aiding and abetting an “offense against a minor” or “sexually violent offense” is reportable only if the court finds that registration furthers the purposes of the registry (set out in G.S. 14-208.5). G.S. 14-208.6(4)a. (*Offenses committed on/after 12/1/1999, unless underlying offense has a later effective date.*)



# **Appendix C: Conviction-Based Driver's License Revocations**

Shea Riggsbee Denning



# **Appendix C: Conviction-Based Driver's License Revocations**

Shea Riggsbee Denning



Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 14-31	Secret assault with a deadly weapon using a motor vehicle	G.S. 20-17(a)(11)	One year; G.S. 20-19(f)					
G.S. 14-32(a)	Assault with a deadly weapon with intent to kill, inflicting serious injury using a motor vehicle	G.S. 20-17(a)(11)	One year; G.S. 20-19(f)					
G.S. 14-32(b)	Assault with a deadly weapon, inflicting serious injury using a motor vehicle	G.S. 20-17(a)(11)	One year; G.S. 20-19(f)					
G.S. 14-32(c)	Assault with a deadly weapon with intent to kill using a motor vehicle	G.S. 20-17(a)(11)	One year; G.S. 20-19(f)					
G.S. 14-32.1(e)(1)	Assault with a deadly weapon on a handicapped person using a motor vehicle	G.S. 20-17(a)(11)	One year; G.S. 20-19(f)					
G.S. 14-33(c)(1)	Assault with a deadly weapon using a motor vehicle	G.S. 20-17(a)(11)	One year; G.S. 20-19(f)					
G.S. 14-49(b),(b1)	Malicious use of an explosive device to damage property	G.S. 20-17(a)(15) G.S. 20-13.2(c2) (applicable to persons under 18)	One year; G.S. 20-19(f); G.S. 20-13.2(d) (applicable to persons under 18)					
G.S. 14-69.1(c)	False report of a bomb in a public building	G.S. 20-17(a)(15); G.S. 20-13.2(c2) (applicable to persons under 18)	One year; G.S. 20-19(f); G.S. 20-13.2(d) (applicable to persons under 18)					

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 14-69.2(c)	Perpetrating a hoax concerning a bomb in a public building	G.S. 20-17(a)(15); G.S. 20-13.2(c2) (applicable to persons under 18)	One year; G.S. 20-19(f); G.S. 20-13.2(d) (applicable to persons under 18)					
G.S. 14-72.5	Second or subsequent conviction (within seven years) of larceny of motor fuel	G.S. 20-17(a)(16)	90 days (second conviction); Six months (third or subsequent conviction); G.S. 20-19(g2)					
G.S. 14-269.2(b1)	Possessing an explosive on educational property	G.S. 20-17(a)(15); G.S. 20-13.2(c2) (applicable to persons under 18)	One year; G.S. 20-19(f); G.S. 20-13.2(d) (applicable to persons under 18)					
G.S. 14-269.2(c1)	Causing a minor to possess an explosive on educational property	G.S. 20-17(a)(15); G.S. 20-13.2(c2) (applicable to persons under 18)	One year; G.S. 20-19(f); G.S. 20-13.2(d) (applicable to persons under 18)					
G.S. 18B-302(a1)	Giving alcoholic beverages to person under 21	G.S. 20-17.3	One year; G.S. 20-17.3					
G.S. 18B-302(b)	Underage purchase or attempt to purchase an alcoholic beverage	G.S. 20-17.3	One year; G.S. 20-17.3					
G.S. 18B-302(c)(1)	Underage person who aids or abets the gift or purchase of an alcoholic beverage to/by a minor	G.S. 20-17.3	One year; G.S. 20-17.3					

1. G.S. 20-17.3 requires DMV to revoke for one year the driver's license of a person convicted of violating G.S. 18B-302(c). G.S. 18B-302(c) in turn renders it unlawful to aid or abet another in a violation of G.S. 18B-302(a), (a1) or (b). G.S. 18B-302(g) requires the court to file a conviction report with DMV if the person is convicted of a violation of G.S. 18B-302(a1); 18B-302(b), but only if the violation occurred while the person was purchasing or attempting to purchase an alcoholic beverage; or 18B-302(c), (e), or (f). Thus, it appears that a person's license may be revoked for aiding and abetting the gift to or purchase of alcoholic beverages to/by an underage person but not for sale to an underage person (prohibited by G.S. 18B-302(a)) or consumption by an underage person (prohibited by G.S. 18B-302(b)(3)).

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 18B-302(c)(2)	Person over 21 who aids or abets the gift or purchase of an alcoholic beverage to/by a minor	G.S. 20-17.3	One year; G.S. 20-17.3					
G.S. 18B-302(e)	Fraudulent use of identification <ul style="list-style-type: none"> <li>to enter or attempt to enter a place where alcoholic beverages are sold or consumed</li> <li>to obtain or attempt to obtain an alcoholic beverage</li> <li>to obtain or attempt to obtain permission to purchase alcoholic beverages</li> </ul>	G.S. 20-17.3	One year; G.S. 20-17.3					
G.S. 18B-302(f)	Allowing use of identification by a person who violates or attempts to violate G.S. 18B-302(b)	G.S. 20-17.3	One year; G.S. 20-17.3					
G.S. 18B-401	Transportation of an open bottle of fortified wine or spirituous liquor in passenger area	*Discretionary revocation: G.S. 20-16(a)(8)	Not more than six months; G.S. 20-19(a)					
G.S. 18B-406	Transportation of unauthorized amount of alcoholic beverage	*Discretionary revocation: G.S. 20-16(a)(8)	Not more than six months; G.S. 20-19(a)					

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration under Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 18B-111	Transportation of a non-taxpaid alcoholic beverage	*Discretionary revocation: G.S. 20-16(a)(8)	Not more than six months; G.S. 20-19(a)					
G.S. 20-12.1	Impaired instruction	*Discretionary revocation: G.S. 20-16(a)(8a)	Not more than one year; G.S. 20-19(c)					
G.S. 20-28(a)	Driving while license revoked	G.S. 20-28(a)	First offense: One year; Second offense: Two years; Third or subsequent offense: Permanent; G.S. 20-28(a)					
G.S. 20-28(a2)	Driving after notification or failure to appear	G.S. 20-28(a2)	First offense: One year; Second offense: Two years; Third or subsequent offense: Permanent; G.S. 20-28(a2)					
G.S. 20-28(d)	Driving a commercial motor vehicle during disqualification	G.S. 20-28(d) provides for an additional disqualification period—not revocation of a regular license; Surrender of Class C license is not required (G.S. 20-24(a))						



Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-28.1	Moving violation while license revoked	G.S. 20-28.1	First revocation: One year; Second revocation: Two years; Third or subsequent revocation: Permanent; G.S. 20-28.1(b)					
G.S. 20-30(1)	Displaying or possessing any license or learner's permit known to be invalid	*Discretionary revocation: G.S. 20-16(a)(6)	Not more than one year; G.S. 20-19(c)					
G.S. 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	*Discretionary revocation: G.S. 20-16(a)(6)	Not more than one year; G.S. 20-19(c)					
G.S. 20-30(3)	Displaying or representing as one's own a license not issued to the person displaying it	*Discretionary revocation: G.S. 20-16(a)(6)	Not more than one year; G.S. 20-19(c)					
G.S. 20-30(5)	Using or allowing others to use false names and addresses in license applications and renewals	G.S. 20-17(a)(8) <sup>2</sup>	One year; G.S. 20-19(f)					

2. If a person falsely certifies to DMV pursuant to G.S. 20-9(i)(3) that he or she does not appear on the National Sex Offender Public Registry, that person violates G.S. 20-30 and DMV must immediately revoke his or her driver's license upon determining that the person does appear in the National Sex Offender Public Registry. G.S. 20-9(i)(3).

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-30(5)	Making false statements, concealing material facts or otherwise committing a fraud in applying for a license or permit	G.S. 20-17(a)(8)	One year; G.S. 20-19(f)					
G.S. 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	G.S. 20-17(a)(5); G.S. 20-17(a)(8)	One year; G.S. 20-19(f)					
G.S. 20-136	Unlawful possession of a motor vehicle with smoke screens	G.S. 20-17(a)(3)	One year; G.S. 20-19(f)					
G.S. 20-138.1	Impaired driving	G.S. 20-17(a)(2)	One year; G.S. 20-19(c1)	First restoration	0.04	Three years	If alcohol concentration of 0.15 or more, II required with 0.04 AC restriction <sup>3</sup> If convicted of another impaired driving offense that occurred within seven years of current offense, II required with 0.00 AC restriction	One year

3. If ignition interlock is required because the person had an alcohol concentration of 0.15 or more and the person also is convicted, based on the same set of circumstances, of (1) driving while impaired in a commercial vehicle in violation of G.S. 20-138.2, (2) driving while less than 21 years old after consuming alcohol or drugs in violation of G.S. 20-138.3, (3) death or serious injury by vehicle in violation of G.S. 20-141.4, or (4) manslaughter or negligent homicide based on impaired driving, the restriction must prohibit driving with an alcohol concentration of greater than 0.00. G.S. 20-17.8(b)(3)c.

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-138.1	Impaired driving and the person has been convicted of another offense involving impaired driving that occurred within three years preceding the date of the current offense	G.S. 20-17(a)(2)	Four years; G.S. 20-19(d)	Second or subsequent restoration	0.00	Three years	II required, 0.00 AC	Three years
G.S. 20-138.1	Impaired driving and the person has two or more previous offenses for which he or she has been convicted, one of which occurred within the five years immediately preceding the date of the current offense	G.S. 20-17(a)(2)	Permanent; G.S. 20-19(e)	Second or subsequent restoration	0.00	Seven years	II required, 0.00 AC	Seven years
G.S. 20-138.1	Impaired driving sentenced at Aggravated Level One pursuant to G.S. 20-179(f3)	G.S. 20-17(a)(2)	Permanent; G.S. 20-19(e)	First restoration	0.04	Seven years	II required, 0.00 AC	One year
G.S. 20-138.1	Impaired driving sentenced at Aggravated Level One pursuant to G.S. 20-179(f3)	G.S. 20-17(a)(2)	Permanent; G.S. 20-19(e)	Second or subsequent restoration	0.00	Seven years	II required, 0.00 AC	Seven years
	Out-of-state or federal DWI	G.S. 20-23; G.S. 20-23.2	One year	First restoration	0.04	Three years	No II Requirement	N/A

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
	Out-of-state or federal DWI and the person has been convicted of another offense involving impaired driving that occurred within the three years preceding the date of the current offense	G.S. 20-23; G.S. 20-23.2	Four years	Second or subsequent restoration	0.00	Three years	No II Requirement	N/A
	Out-of-state or federal DWI and the person has two or more previous offenses for which he or she has been convicted, one of which occurred within the five years immediately preceding the date of the current offense	G.S. 20-23; G.S. 20-23.2	Permanent	Second or subsequent restoration	0.00	Seven years	No II Requirement	N/A
G.S. 20-138.2	Driving a commercial motor vehicle while impaired and the person has two or more previous offenses for which he or she has been convicted, one of which occurred within the five years immediately preceding the date of the current offense	G.S. 20-17(a)(2)	Permanent; G.S. 20-19(e)	Any restoration	0.00	Seven years	No II Requirement	N/A

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-138.2	Driving a commercial motor vehicle while impaired sentenced at Aggravated Level One pursuant to G.S. 20-179(f3)	G.S. 20-17(a)(2)	Permanent; G.S. 20-19(e)	Any restoration	0.00	Seven years	No II Requirement	N/A
	Out-of-state or federal DWI in a commercial motor vehicle	G.S. 20-23; 20-23.2	One year	Any restoration	0.00	Three years	No II Requirement	N/A
	Out-of-state or federal DWI in a commercial motor vehicle and the person has been convicted of another offense involving impaired driving that occurred within the three years preceding the date of the current offense	G.S. 20-23; 20-23.2	Four years	Any restoration	0.00	Three years	No II Requirement	N/A
	Out-of-state or federal DWI in a commercial motor vehicle and the person has two or more previous offenses for which he or she has been convicted, one of which occurred within the five years immediately preceding the date of the current offense	G.S. 20-23; 20-23.2	Permanent	Any restoration	0.00	Seven years	No II Requirement	N/A

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-138.2A	Second or subsequent conviction (within seven years) of driving a commercial motor vehicle after consuming alcohol	G.S. 20-17(a)(13)	One year; G.S. 20-19(f)					
G.S. 20-138.2B	Driving a school bus, school activity bus, child care vehicle, ambulance or other EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol	G.S. 20-17(a)(14)	First conviction: 10 days; Second or subsequent conviction: One year; G.S. 20-19(c2)					
G.S. 20-138.3	Driving after consuming alcohol or drugs by a person under 21	G.S. 20-13.2	One year; G.S. 20-13.2(d)	Any restoration	0.00	Until the person is 21	No II Requirement	N/A
G.S. 20-138.5	Habitual impaired driving	G.S. 20-138.5(d)	Permanent; G.S. 20-138.5(d)	Any restoration <sup>4</sup>	0.00	Seven years	No II Requirement	N/A
G.S. 20-138.7	Second or subsequent conviction of transporting an open container of alcoholic beverage under G.S. 20-138.7	G.S. 20-17(a)(12)	One year; G.S. 20-19(f)					

4. The provision allowing conditional restoration of a driver's license revoked under G.S. 20-138.5(d) expires December 1, 2014. See S.L. 2009-369.

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-140 (reckless driving); G.S. 20-141.6 (aggressive driving)	Conviction within 12 months of (1) two charges of reckless driving, (2) two charges of aggressive driving, or (3) one or more charges of reckless driving and one or more charges of aggressive driving	G.S. 20-17(a)(6)	One year; G.S. 20-19(f)					
G.S. 20-140 (reckless driving); G.S. 20-141.6 (aggressive driving)	Conviction of one charge of aggressive driving or reckless driving while engaged in illegal transportation of intoxicants for sale	G.S. 20-17(a)(7)	One year; G.S. 20-19(f)					
G.S. 20-141	Speeding over 15 m.p.h. over limit and over 55 m.p.h. (includes work zone charges) or over 80 m.p.h.	G.S. 20-16.1	30-day suspension for first offense; 60-day suspension for second offense; G.S. 20-16.1(a), (c)					
G.S. 20-141	Conviction within 12 months of two or more charges of speeding more than 55 m.p.h. and not more than 80 m.p.h.	*Discretionary revocation: G.S. 20-16(a)(9)	Not more than six months; G.S. 20-19(a)					
G.S. 20-141; G.S. 20-140	Conviction within 12 months of one or more charges of reckless driving and one or more charges of speeding in excess of 55 m.p.h. and not more than 80 m.p.h.	*Discretionary revocation: G.S. 20-16(a)(9)	Not more than six months; G.S. 20-19(a)					

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-141; G.S. 20-141.6	Conviction within 12 months of one or more charges of aggressive driving and one or more charges of speeding in excess of 55 m.p.h. and not more than 80 m.p.h.	*Discretionary revocation: G.S. 20-16(a)(9)	Not more than six months; G.S. 20-19(a)					
G.S. 20-141	Conviction of speeding more than 75 m.p.h. where speed limit is less than 70 m.p.h.	*Discretionary revocation: G.S. 20-16(a)(10)	Not more than 12 months; G.S. 20-19(b)					
G.S. 20-141	Conviction of speeding more than 80 m.p.h. where speed limit is 70 m.p.h.	*Discretionary revocation: G.S. 20-16(a)(10a)	Not more than one year; G.S. 20-19(c)					
G.S. 20-141.3(a)	Engaging in a prearranged speed competition with another motor vehicle	G.S. 20-141.3(d)	Three years; person may apply for new license after 18 months; G.S. 20-141.3(d).					
G.S. 20-141.3(b)	Willfully engaging in a speed competition with another motor vehicle (not prearranged)	*Discretionary revocation: G.S. 20-141.3(e)	Up to one year; G.S. 20-141.3(e)					
G.S. 20-141.3(c)	Allowing or authorizing others to use one's motor vehicle in a prearranged speed competition	G.S. 20-141.3(d)	Three years; person may apply for a new license after 18 months; G.S. 20-141.3(d)					



Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-141.3(c)	Placing or receiving a bet or wager on a prearranged speed competition	G.S. 20-141.3(d)	Three years; person may apply for a new license after 18 months; G.S. 20-141.3(d)					
G.S. 20-141.4(a1)	Felony death by vehicle	G.S. 20-17(a)(9)	Permanent; G.S. 20-19(i)	Any restoration	0.00	Seven years	No II Requirement	N/A
	Out-of-state felony death by vehicle	G.S. 20-23; G.S. 20-23.2	Permanent	Any restoration	0.00	Seven years	No II Requirement	N/A
G.S. 20-141.4(a3)	Felony serious injury by vehicle	G.S. 20-17(a)(9)	Four years; G.S. 20-19(d)	Unclear <sup>6</sup>	Unclear <sup>6</sup>	Three years	No II Requirement	N/A
	Out-of-state felony serious injury by vehicle	G.S. 20-23; G.S. 20-23.2	Four years	Any restoration	0.00	Three years	No II Requirement	N/A
G.S. 20-141.4(a4)	Aggravated felony serious injury by vehicle	G.S. 20-17(a)(9)	Permanent; G.S. 20-19(e)	Unclear <sup>7</sup>	Unclear <sup>8</sup>	Seven years	No II Requirement	N/A
	Out-of-state or federal felony serious injury by vehicle	G.S. 20-23; G.S. 20-23.2	Permanent	Any restoration	0.00	Seven years	No II Requirement	N/A
G.S. 20-141.4(a5)	Aggravated felony death by vehicle	G.S. 20-17(a)(9)	Permanent; G.S. 20-19(i)	Any restoration <sup>9</sup>	0.00	Seven years	No II Requirement	N/A

5. No alcohol concentration restriction is specified by statute for license restorations following convictions of felony serious injury by vehicle under G.S. 20-141.4(a3). In contrast, G.S. 20-19(c3)(4) imposes an alcohol concentration restriction of 0.00 for any license restored following a revocation for an out-of-state or federal conviction of an offense that is substantially similar to a violation of G.S. 20-141.4—the statute that defines both death by vehicle and serious injury by vehicle offenses.

6. No alcohol concentration restriction is specified by statute for license restorations following convictions of felony serious injury by vehicle under G.S. 20-141.4(a3). In contrast, G.S. 20-19(c3)(4) imposes an alcohol concentration restriction of 0.00 for any license restored following a revocation for an out-of-state or federal conviction of an offense that is substantially similar to a violation of G.S. 20-141.4—the statute that defines both death by vehicle and serious injury by vehicle offenses.

7. No alcohol concentration restriction is specified by statute for license restorations following convictions of felony serious injury by vehicle under G.S. 20-141.4(a3). In contrast, G.S. 20-19(c3)(4) imposes an alcohol concentration restriction of 0.00 for any license restored following a revocation for an out-of-state or federal conviction of an offense that is substantially similar to a violation of G.S. 20-141.4—the statute that defines both death by vehicle and serious injury by vehicle offenses.

8. No alcohol concentration restriction is specified by statute for license restorations following convictions of felony serious injury by vehicle under G.S. 20-141.4(a3). In contrast, G.S. 20-19(c3)(4) imposes an alcohol concentration restriction of 0.00 for any license restored following a revocation for an out-of-state or federal conviction of an offense that is substantially similar to a violation of G.S. 20-141.4—the statute that defines both death by vehicle and serious injury by vehicle offenses.

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
	Out-of-state or federal felony death by vehicle	G.S. 20-17(a)(9)	Permanent	Any restoration	0.00	Seven years	No II Requirement	N/A
G.S. 20-141.4(a6)	Repeat felony death by vehicle	G.S. 20-17(a)(9)	Permanent; G.S. 20-19(i)	Any restoration <sup>10</sup>	0.00	Seven years	No II Requirement	N/A
	Out-of-state or federal repeat or felony death by vehicle	G.S. 20-23; G.S. 20-23.2	Permanent	Any restoration	0.00	Seven years	No II Requirement	N/A
Common law offense	Involuntary manslaughter based on impaired driving	G.S. 20-17(a)(1)	Permanent; G.S. 20-19(i)	Any restoration	0.00	Seven years	No II requirement	N/A
	Out-of-state or federal conviction for involuntary manslaughter	G.S. 20-23; G.S. 20-23.2	Permanent	Any restoration	0.00	Seven years	No II requirement	N/A
G.S. 20-141.5(a)	Misdemeanor speeding to elude arrest	G.S. 20-141.5(d)	Not more than one year; G.S. 20-141.5(d)					
G.S. 20-141.5(b)	Felony speeding to elude arrest (Class H felony)	G.S. 20-141.5(d)	Two years if two aggravating factors under G.S. 20-141.5(b); Three years if three or more aggravating factors; G.S. 20-141.5(d)					

9. G.S. 20-19(c3)(3) requires an alcohol concentration restriction of 0.00 for any restoration for a person convicted of “felony death by vehicle, G.S. 20-141.4(a)1, [or] manslaughter or negligent homicide resulting from the operation of a motor vehicle when the offense involved impaired driving.” Given that felony death by vehicle is a lesser-included offense of aggravated felony death by vehicle, it seems beyond dispute that these restrictions apply to persons convicted of the greater offense.

10. G.S. 20-19(c3)(3) requires an alcohol concentration restriction of 0.00 for any restoration for a person convicted of “felony death by vehicle, G.S. 20-141.4(a)1, [or] manslaughter or negligent homicide resulting from the operation of a motor vehicle when the offense involved impaired driving.” Given that felony death by vehicle is a lesser-included offense of repeat felony death by vehicle, it seems beyond dispute that these restrictions apply to persons convicted of the greater offense.

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-141.5(b1)	Misdemeanor speeding to elude arrest that causes death (Class H felony)	G.S. 20-141.5(d)	Two years if two aggravating factors under G.S. 20-141.5(b); Three years if three or more aggravating factors; G.S. 20-141.5(d)					
G.S. 20-141.5(b1)	Felony speeding to elude arrest that causes death (Class E felony)	G.S. 20-141.5(d)	Two years if two aggravating factors under G.S. 20-141.5(b); Three years if three or more aggravating factors; G.S. 20-141.5(d)					
G.S. 20-154(a2)	Unsafe movement resulting in a crash causing property damage of more than \$5,000 or serious bodily injury to a motorcycle operator or passenger	*Discretionary revocation: G.S. 20-154(a2) (in discretion of trial court rather than DMV)	Not more than 30 days; G.S. 20-154(a2)					
G.S. 20-157(i)	Failure to stop for approaching fire, police, rescue vehicle, etc., or other violation of G.S. 20-157 that causes serious injury or death	*Discretionary revocation: G.S. 20-157(i)	Not more than six months; G.S. 20-157(i)					
G.S. 20-160.1	Failure to yield resulting in serious bodily injury	G.S. 20-160.1	90 days; G.S. 20-160.1(a)					
G.S. 20-166(a), (b)	Failure to stop and render aid	G.S. 20-17(a)(4)	One year; G.S. 20-19(f)					

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-217(a) *Offenses committed on or after December 1, 2013	Second conviction within three years of misdemeanor violation of G.S. 20-217 (passing stopped school bus)	G.S. 20-217(g) <sup>11</sup>	One year; G.S. 20-217(g)					
G.S. 20-217(a) *Offenses committed on or after December 1, 2013	Third conviction of misdemeanor violation of G.S. 20-217 (passing stopped school bus)	G.S. 20-217(g) <sup>12</sup>	Permanent; G.S. 20-217(g)					
G.S. 20-217(g)	Passing stopped school bus and striking person (Class I felony)	G.S. 20-17(a)(3) <sup>13</sup>	One year; G.S. 20-19(f)					
G.S. 20-217(g) *Offenses committed on or after December 1, 2013	Passing stopped school bus and striking person (Class I felony)	G.S. 20-217(g) <sup>14</sup>	Two years; G.S. 20-217(g)					
G.S. 20-217(g)	Passing a stopped school bus and striking a person, causing death (Class H felony)	G.S. 20-17(a)(3) <sup>15</sup>	One year; G.S. 20-217(g)					
G.S. 20-217(g) *Offenses committed on or after December 1, 2013	Passing a stopped school bus and striking a person, causing death (Class H felony)	G.S. 20-217(g) <sup>16</sup>	Three years; G.S. 20-217(g)					

11. Effective for offenses committed on or after December 1, 2013.

12. Effective for offenses committed on or after December 1, 2013.

13. Requiring revocation upon conviction of a felony in the commission of which a motor vehicle is used.

14. Effective for offenses committed on or after December 1, 2013.

15. Requiring revocation upon conviction of a felony in the commission of which a motor vehicle is used.

16. Effective for offenses committed on or after December 1, 2013.

Conviction Statute	Offense Description	Revocation Statute	Length of Revocation	Number of Restorations	Alcohol Concentration Restriction under G.S. 20-19(c3)	Duration of G.S. 20-19(c3) Alcohol Concentration Restriction	Ignition Interlock (II) and Alcohol Concentration (AC) Restriction under G.S. 20-17.8	Length of Ignition Interlock Restriction
G.S. 20-217(g) *Offenses committed on or after December 1, 2013	Second conviction of passing a stopped school bus and striking a person/striking a person and causing death	G.S. 20-217(g) 17	Permanent; G.S. 20-217(g)					

17. Effective for offenses committed on or after December 1, 2013.

