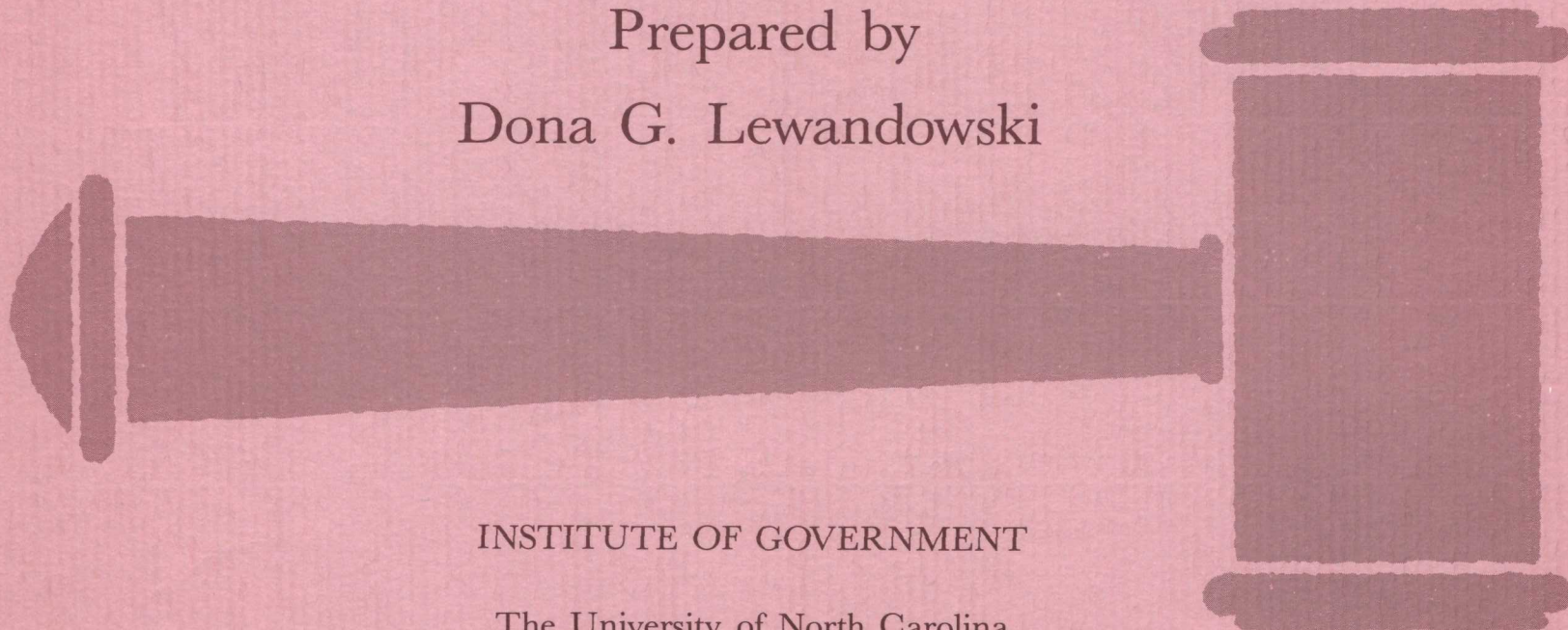


Punishment Chart for North Carolina Crimes

Prepared by
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1988

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INTRODUCTION

This chart is the Institute of Government's sixth compilation based on an earlier chart called Summary of Crimes Most Frequently Committed by Punishment, Grade, and Statute. It is current through the 1987 General Assembly. This chart does not include all crimes under North Carolina law, but, with the exception of motor vehicle offenses, it does include the crimes that appear most frequently on district and superior courts' criminal dockets. While some motor vehicle offenses appear in the chart, the Institute of Government's 1987 publication entitled Punishment for Motor Vehicle Offenses should be consulted for a fuller treatment of this subject.

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

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

Class A: Punishable by death or life imprisonment. Includes only first degree murder.

Class B: Mandatory life imprisonment. Includes first degree rape and sexual offense.

Class C: Punishable by imprisonment up to 50 years, or for life, or fine, or imprisonment and fine. Presumptive term is 15 years. Examples: second degree murder, first degree arson.

Class D: Punishable by imprisonment up to 40 years, fine, or both. Presumptive term is 12 years. Examples: second degree arson, first degree kidnapping.

Class E: Punishable by imprisonment up to 30 years, fine, or both. Presumptive term is 9 years. Examples: second degree kidnapping, burglary with explosives.

Class F: Punishable by imprisonment up to 20 years, fine, or both. Presumptive term is 6 years. Examples: attempted first degree rape or sexual offense, voluntary manslaughter.

Class G: Punishable by imprisonment up to 15 years, fine, or both. Presumptive term is 4 1/2 years. Examples: conspiracy to abduct children, incest between certain near relatives.

Class H: Punishable by imprisonment up to 10 years, fine, or both. Presumptive term is 3 years. Examples: felonious larceny, assault with a deadly weapon inflicting serious injury, felonious breaking or entering, involuntary manslaughter.

Class I: Punishable by imprisonment up to 5 years, fine, or both. Presumptive term is 2 years. Examples: forgery and uttering, possession of Schedule I controlled substance.

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

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

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

Readers should also be aware of a potential variation in sentencing for misdemeanors. Unless a specific punishment is established by statute, sentencing for misdemeanors is governed by G.S. 14-3. G.S. 14-3(a) provides that misdemeanors, as a general rule, are punishable by fine, imprisonment for up to two years, or both. In the case of misdemeanors that are "infamous, done in secrecy and malice, or with deceit and intent to defraud," however, the offender is guilty of a Class H felony. G.S. 14-3(b). Not surprisingly, this "escalation clause" has generated litigation concerning the propriety of classifying various misdemeanor offenses as "infamous misdemeanors," punishable as felonies. The appellate courts' answers to these specific questions are reflected in the chart. The issue is certain to arise in connection with other misdemeanor offenses, however, and the reader should be aware of the potential applicability of G.S. 14-3(b) to misdemeanor offenses.

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

Dona Lewandowski
November, 1987

PUNISHMENT CHART

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
ABANDONMENT AND NONSUPPORT			
1. Abandonment of spouse without providing adequate support ¹			
A. First offense	14-322(b), (f)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Subsequent offense	14-322(b), (f)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Failure to provide adequate support while living with dependent spouse			
A. First offense	14-322(c), (f)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Subsequent offense	14-322(c), (f)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Nonsupport of child by parent ²			
A. First offense	14-322(d), (f)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Subsequent offense	14-322(d), (f)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

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

²See note 1.

4. Bastardy ³	49-2, -8	Imprisonment up to 6 months	Misdemeanor
5. Abandonment of child for 6 months and failure to support	14-322.1	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
6. Failure to support parent			
A. First offense	14-326.1	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Subsequent offense	14-326.1	Imprisonment up to 2 years, fine (or both)	Misdemeanor

ABDUCTION. See KIDNAPPING AND ABDUCTION

ABORTION AND RELATED OFFENSES

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

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

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
ACCESSORY TO FELONY ⁴			
1. Before the fact ⁵	14-5.2	Punished as principal	Felony
2. After the fact ⁶	14-7	Imprisonment up to 10 years, (presumptive 3), fine (or both)	Class H Felony
ADULT ESTABLISHMENTS			
1. Permitting facility to contain multiple adult establishments	14-202.11, -202.12		
A. First offense		Imprisonment up to 3 months, fine up to \$300 (or both)	Misdemeanor
B. Subsequent offense		Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

⁴There can be no accessory to a misdemeanor: "All persons who participate in . . . misdemeanors, whether present or absent, are indictable and punishable as principals." State v. Bennett, 237 N.C. 749, 76 S.E.2d 42 (1953).

⁵In 1981 the General Assembly abolished the distinction between accessories before the fact and principals in the commission of felonies. Under G.S. 14-5.2, persons who would have been guilty of accessory before the fact under former law are now punished as principals. This rule is subject to one exception, set out in G.S. 14-5.2: if a person who would have been convicted of accessory before the fact under former law is convicted of a capital offense, and his conviction is based solely on the uncorroborated testimony of one or more principals, co-conspirators, or accessories to the crime, the defendant shall be guilty of and punished as for a Class B felony. If this exception is not applicable, a person who would have been an accessory before the fact to a capital offense under former law is punishable by death or life imprisonment, subject to constitutional limitations. See Enmund v. Florida, 458 U.S. 782 (1982), and N.C.P.I.--Crim. 150.10.

⁶A receiver of stolen goods is not necessarily an accessory. State v. Tyler, 85 N.C. 569 (1881). In addition, a participant in a crime cannot be an accessory after the fact to that crime. State v. McIntosh, 260 N.C. 749, 133 S.E.2d 652 (1963).

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

ADULTERY. See FORNICATION AND ADULTERY

AFFRAY. See ASSAULT--Misdemeanors

ANIMALS, TREATMENT OF

1. Cruelty to animals	14-360	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
2. Instigating or promoting cruelty	14-361	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
3. Abandonment of animals	14-361.1	Fine up to \$500	Misdemeanor
4. Cock fighting	14-362	Imprisonment up to 6 months and fine up to \$500	Misdemeanor

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
5. Promoting bearbaiting or fights between animals other than cocks	14-362.1(a), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
A. Within 3 years of conviction of related offense	14-362.1(d)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
6. Possession or training of animal other than cock with intent to use in fighting exhibition	14-362.1(b)	Imprisonment up to 1 year and fine up to \$1,000	Misdemeanor
7. Participating as spectator at animal fight other than cock fight	14-362.1(c)	Imprisonment up to 6 months and fine up to \$500	Misdemeanor
8. Conveying animal in cruel manner	14-363	Imprisonment up to 1 year and fine up to \$1,000	Misdemeanor

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

1. Arson

A. First degree ⁷	common law, 14-58	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony
B. Second degree	common law, 14-58	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony

2. Burning particular property

A. Public buildings	14-59	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
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⁷This includes the crime set out in G.S. 14-58.2, which provides that a person is guilty of first degree arson if he "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. . . ."

B. Educational institutions	14-60	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
C. Churches, certain other buildings	14-62	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
D. Building in process of construction	14-62.1	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
E. Boats or barges	14-63	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
F. Dwelling house owned or occupied by defendant	14-65	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
G. Personal property	14-66	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
3. Burning or attempted burning of building not otherwise covered by statute	14-67.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
4. Setting fire to grass, brushlands, or woodlands	14-136		
A. First offense		Imprisonment for not less than 60 days nor more than 4 months or fine of not less than \$50 nor more than \$500	Misdemeanor
B. Subsequent offense		Imprisonment for not less than 4 months nor more than 1 year	Misdemeanor
5. Setting fire to grass, brushlands, or woodlands with intent to injure property of another	14-136		
A. First offense		Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
B. Subsequent offense		Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
6. Setting fire to woods or fields	14-137, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
7. Violation of open-burning laws	113-60.21- 60.29	Imprisonment up to 30 days, fine up to \$50, (or both)	Misdemeanor
ASSAULT. <u>See also</u> WEAPONS OFFENSES			
1. Misdemeanors			
A. Simple assault, simple assault and battery, or simple affray	14-33(a)	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
B. Aggravated affray	14-33(b)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Assault ⁸ inflicting serious injury	14-33(b)(1)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
D. Assault with deadly weapon	14-33(b)(1)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
E. Assault on a female	14-33(b)(2)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
F. Assault on child under 12	14-33(b)(3)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
G. Assault on law enforcement or custodial officer	14-33(b)(4)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
H. Assault on judicial officer	14-33(b)(5)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

⁸The term "assault," as used hereafter, includes both assault and assault and battery.

I. Assault on schoolteacher or administrator	14-33(b)(6)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
J. Assault on social services employee	14-33(b)(7)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
K. Assault by pointing gun	14-34	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
L. Simple assault on handicapped person	14-32.1(f)	Imprisonment up to 1 year, fine (or both)	Misdemeanor
M. Assault on emergency personnel	14-288.9, 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

2. Felonies

A. Malicious castration	14-28	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony
B. Castration or maiming without malice aforethought	14-29	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Malicious maiming	14-30	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
D. Malicious acid throwing	14-30.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
E. Malicious assault and battery with deadly weapon in secret manner	14-31	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
F. Assault with a deadly weapon			
1. With intent to kill, inflicting serious injury	14-32(a)	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
2. Inflicting serious injury	14-32(b)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
3. With intent to kill	14-32(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
G. Assault on a handicapped person			
1. With a deadly weapon, with intent to kill, inflicting serious injury	14-32.1(b)	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
2. With a deadly weapon, inflicting serious injury	14-32.1(c)	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
3. With a deadly weapon, with intent to kill	14-32.1(d)	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
4. Aggravated assault, or assault and battery	14-32.1(e)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
H. Abuse of health-care-facility patient or residential-care-facility resident			
1. Intentional conduct resulting in death	14-32.2(b)(1)	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony
2. Negligent conduct resulting in death	14-32.2(b)(2)	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
3. Conduct causing serious bodily injury	14-32.2(b)(3)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
I. Discharging firearm into occupied property	14-34.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
J. Assault with deadly weapon on law enforcement officer, fireman, or emergency medical services personnel	14-34.2	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

K. Assault with dangerous weapon on emergency personnel	14-288.9	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
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ATTEMPT. See also heading for offense attempted

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|---|----------------------|--|----------------|
| 1. Attempt to commit first degree rape | 14-27.6 ⁹ | Imprisonment up to 20 years (presumptive 6), fine (or both) | Class F Felony |
| 2. Attempt to commit second degree rape | 14-27.6 | Imprisonment up to 10 years (presumptive 3), fine (or both) | Class H Felony |
| 3. Attempt to commit first degree sexual offense | 14-27.6 | Imprisonment up to 20 years (presumptive 6), fine (or both) | Class F Felony |
| 4. Attempt to commit second degree sexual offense | 14-27.6 | Imprisonment up to 10 years (presumptive 3), fine (or both) | Class H Felony |
| 5. Attempt to commit arson or other unlawful burnings ¹⁰ | 14-67 | Imprisonment up to 10 years (presumptive 3), fine (or both) | Class H Felony |
| 6. Attempted malicious use of explosive or incendiary | 14-49 | Imprisonment up to 30 years (presumptive 9), fine (or both) | Class E Felony |
| 7. Attempted damage of occupied property by explosive or incendiary | 14-49.1 | Imprisonment up to 50 years or for life (presumptive 15), fine (or both) | Class C Felony |

⁹This section was enacted to replace the former offense of assault with intent to commit rape. State v. Boone, 307 N.C. 198, 297 S.E.2d 585 (1982).

¹⁰G.S. 14-67.1 provides the same punishment for attempted burning of any building not otherwise covered in G.S. Ch. 14, Art. 15.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
8. Attempted robbery with firearms or other dangerous weapon	14-87	Imprisonment up to 40 years (presumptive and minimum 14), or imprisonment and fine ¹¹	Class D Felony
9. Attempted common-law robbery	common law, 14-87.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
10. Attempted safecracking	14-89.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
11. Attempt to violate Controlled Substances Act	90-98	Same as for offense attempted	-----
12. Attempted escape. <u>See</u> ESCAPE			
13. Attempted burglary	common law, 14-3(b) ¹²	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
14. Attempted felonious breaking or entering	common law, 14-3(a) ¹³	Imprisonment up to 2 years, fine (or both)	Misdemeanor

¹¹G.S. 14-87(d) provides that a person convicted of this offense must be sentenced to at least 14 years in prison and must actually serve at least 7 years, excluding gain time. This sentence may not be suspended, and the person may not be placed on probation. A sentence for this offense must run consecutively with and must begin to run at the expiration of any sentence being served by the person at the time of sentencing. These provisions do not apply, however, to persons sentenced as committed youthful offenders.

¹²Has been held an infamous misdemeanor, punishable as a Class H felony under G.S. 14-3(b). State v. Surles, 230 N.C. 272, 52 S.E. 2d 880 (1949).

¹³Has been held not to be an infamous misdemeanor and is thus punishable under G.S. 14-3(a) as indicated. State v. Grant, 261 N.C. 652, 135 S.E.2d 666 (1964).

15. Attempt to receive stolen property	common law, 14-3(a) ¹⁴	Imprisonment up to 2 years, fine (or both)	Misdemeanor
16. Attempt to commit crime against nature	common law, 14-3(b) ¹⁵	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
17. Attempt to obtain property by false pretenses	14-100	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
18. Attempt to commit a misdemeanor not specifically punished by statute	common law, 14-3	Imprisonment up to 2 years, fine (or both) ¹⁶	Misdemeanor
19. Attempt to commit felony not specifically punished by statute [if attempt is infamous, done in secrecy and malice, or with deceit and intent to defraud]	common law, 14-3(b)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
20. Attempt to commit felony not specifically punished by statute [if attempt not characterized by description in brackets above]	common law, 14-3(a) ¹⁷	Imprisonment up to 2 years, fine (or both)	Misdemeanor

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

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

¹⁵Has been held an infamous misdemeanor, punishable as a Class H felony under G.S. 14-3(b). State v. Spivey, 213 N.C. 45, 195 S.E.2d 1 (1938).

¹⁶This appears to be true even when the offense attempted is itself punishable by a maximum imprisonment of less than two years. See State v. Puryear, 30 N.C. App. 719, 228 S.E.2d 536 (1976) (conspiracy to commit simple assault punishable by fine, imprisonment up to 2 years, or both).

¹⁷See State v. Glidden, 317 N.C. 557, 346 S.E.2d 470 (1986), for discussion of definitional test to determine whether misdemeanor was committed in secrecy and malice or with deceit and intent to defraud.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
BASTARDY. <u>See</u> ABANDONMENT AND NONSUPPORT			
BIGAMY (and bigamous cohabitation)	14-183	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
BLACKMAIL	14-118, 14-3	Imprisonment up to 2 years, fine (or both) ¹⁸	Misdemeanor
<u>See also</u> EXTORTION			
BOMBS. <u>See</u> EXPLOSIVE OR INCENDIARY DEVICE			
BREAKING OR ENTERING. <u>See</u> BURGLARY AND OTHER BREAKING			
BRIBERY			
1. Acceptance of bribe by public official	14-217	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
2. Offering a bribe	14-218	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Offering bribe to, or acceptance of bribe by, juror	14-220	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

¹⁸Unless deemed a Class H felony under the terms of 14-3(b). For a discussion of the test to be used in determining whether an offense is infamous, done in secrecy and malice, or committed with deceit and intent to defraud, see State v. Glidden, 317 N.C. 557, 346 S.E.2d 470 (1986).

BURGLARY AND OTHER BREAKING. See also ATTEMPT--Attempted burglary; OBSTRUCTING JUSTICE--Breaking or entering jail

1. Burglary¹⁹

A. First degree	14-51, -52	Imprisonment up to 50 years or for life (presumptive 15, minimum 14 years), or imprisonment and fine	Class C Felony
B. Second degree	14-51, -52	Imprisonment up to 40 years (presumptive and minimum 14 years), or imprisonment and fine	Class D Felony
2. Breaking out of dwelling house	14-53	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony
3. Breaking or entering building			
A. With intent to commit felony or larceny	14-54(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
B. Misdemeanor breaking or entering	14-54(b), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Preparation to commit burglary ²⁰	14-55	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
5. Breaking or entering cars, boats, airplanes, etc., with intent to commit felony or larceny ²¹	14-56	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

¹⁹With the exception of persons sentenced as committed youthful offenders, a person convicted of burglary must be sentenced to at least 14 years imprisonment and must actually serve at least 7 years in prison, excluding gain time. The judge may not suspend the sentence or place the defendant on probation. The sentence must run consecutively with, and begin at the expiration of, any sentence being served by the defendant at the time of sentencing. G.S. 14-52.

²⁰G.S. 14-55 creates three separate offenses: (1) possession of burglar's tools; (2) being in a building with intent to commit any felony or larceny; and (3) being armed with intent to break or enter. State v. Garrett, 263 N.C. 773, 140 S.E.2d 315 (1965).

²¹Includes the offense of breaking out after committing felony or larceny.

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

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

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

CHILD ABUSE. See also MINORS

1. Misdemeanor child abuse ²²	14-318.2, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Felonious child abuse: parent or caretaker			
A. Intentionally inflicts serious injury	14-318.4(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
B. Commits, permits, or encourages prostitution by child	14-318.4(a1)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Parent or legal guardian commits or allows commission of sexual act on child	14-318.4(a2)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

CITY ORDINANCE. See ORDINANCE VIOLATION

COIN-OPERATED MACHINES. See BURGLARY--Breaking into coin/currency-operated machines--Damaging coin/currency-operated machines

COMMUNICATING THREATS AND RELATED OFFENSES

1. Communicating threats	14-277.1	Imprisonment up to 6 months, fine up to \$500, (or both)	Misdemeanor
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²²The statute creates three separate offenses: (1) inflicting physical injury on child; (2) allowing physical injury to be inflicted on child; and (3) creating or allowing to be created a substantial risk of physical injury to child. State v. Fredell, 283 N.C. 242, 195 S.E.2d 300 (1973).

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
2. Sending anonymous or threatening letters	14-394, 14-3(a) ²³	Imprisonment up to 2 years, fine (or both)	Misdemeanor
COMPUTER CRIME. <u>See also</u> EXTORTION--Threatening to damage computer or computer program			
1. Felonious accessing of computer	14-454(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Misdemeanor accessing of computer	14-454(b), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Damaging computer	14-455(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
4. Damaging computer program	14-455(b), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Denying computer services	14-456, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
CONCEALED WEAPON, CARRYING	14-269	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
<u>See also</u> WEAPONS OFFENSES			
CONCEALING THE BIRTH OF A CHILD ²⁴	14-46	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

²³State v. Glidden, 317 N.C. 557, 346 S.E.2d 470 (1986), held that a violation of G.S. 14-394 is not an infamous misdemeanor and thus is not punishable as a felony under G.S. 14-3(b).

²⁴Aiding or abetting another in concealing the birth of a child is a misdemeanor, punishable by up to 2 years imprisonment, a fine, or both, under G.S. 14-46 and G.S. 14-3.

CONSPIRACY

1. To abduct children	14-42	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
2. To use explosive or incendiary			
A. To injure another person	14-50(a), -50(c)	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
B. To damage property	14-50(b), -50(c)	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
3. To break or enter jail with intent to injure prisoner	14-221	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
4. To violate Controlled Substances Act ²⁵	90-98, -95(i)	Same as for substantive offense for which conspiracy is created	_____
5. To commit Class H, I, or J felony, unless different punishment stated	14-2.4(1)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
6. To commit any other class of felony, unless different punish- ment stated	14-2.4(2)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
7. To commit misdemeanors for which there is no specific conspiracy statute	common law, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

²⁵State v. Worthington, 84 N.C. App. 150, 352 S.E.2d 695 (1987), held that a defendant may not be convicted of both conspiracy to possess a controlled substance and conspiracy to sell a controlled substance when the evidence shows only one agreement, even though the agreement involves more than one substantive offense. "It is the number of separate agreements, rather than the number of substantive offenses agreed upon, which determines the number of conspiracies." Id. at 163, 352 S.E.2d at 703.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
CONTEMPT OF COURT (Criminal Contempt)			
1. Criminal contempt, generally ²⁶	5A-11, -12	Censure, imprisonment up to 30 days, fine up to \$500, or combination thereof	Misdemeanor
2. Refusal to testify after being granted immunity	5A-11(a)(8), -12	Censure, imprisonment up to 18 months, fine up to \$500, or combination thereof	Misdemeanor
3. Failure to comply with non- testimonial identification order	5A-12(a)	Censure, imprisonment up to 90 days, fine up to \$500, or combination thereof	Misdemeanor

CONTRIBUTING TO DELINQUENCY. See MINORS--Contributing to delinquency

CONTROLLED SUBSTANCES. See NARCOTIC AND OTHER DRUG VIOLATIONS

COUNTY ORDINANCE. See ORDINANCE VIOLATION

²⁶G.S. 5A-12(b) provides that fine or imprisonment may not be imposed unless the behavior was either willfully contemptuous or preceded by a clear warning by the court that the conduct was improper. These limitations do not apply to publication of false reports of court proceedings or to jury tampering.

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

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

CREDIT CARD THEFT. See also FRAUD--Financial transaction card fraud; FORGERY--Financial transaction card

1. Theft of financial transaction card ²⁷	14-113.9, -113.17(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
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CRIME AGAINST NATURE	14-177	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
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DEATH BY VEHICLE

1. Misdemeanor	20-141.4(a2), -141.4(b)	Imprisonment up to 2 years, fine up to \$500 (or both)	Misdemeanor
2. Felony	20-141.4(a1), -141.4(b)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

DELINQUENCY. See MINORS

DISCHARGING FIREARM INTO OCCUPIED PROPERTY	14-34.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
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DISORDERLY CONDUCT

1. Generally	14-288.4	Imprisonment up to 6 months or fine up to \$500	Misdemeanor
2. At bus or railroad station or airport	14-275.1	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
3. In public building	14-132	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

²⁷The term "financial transaction card" includes credit cards as well as cards used to operate automatic banking devices. See G.S. 14-113.8(4) for the statutory definition of this term.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
4. Throwing objects at sports event	14-281.1	Imprisonment up to 30 days, fine up to \$100 (or both)	Misdemeanor
5. Intoxicated and disruptive in public ²⁸	14-444	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
DISTURBING GRAVES			
1. Throwing trash in cemetery	14-148(a)(1), -148(c)	Imprisonment for not less than 60 days nor more than 1 year, fine up to \$500 (or both) ²⁹	Misdemeanor
2. Desecrating graves	14-149(a)(1)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Vandalize cemetery fence			
A. Causing less than \$1,000 damage	14-148(a)(2), -148(c)	Imprisonment for not less than 60 days nor more than 1 year, fine up to \$500 (or both) ³⁰	Misdemeanor
B. Causing more than \$1,000 damage	14-149(a)(2)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

²⁸G.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).

²⁹G.S. 14-148(c) provides that the court shall consider the appropriateness of restitution or reparation as a condition of probation under G.S. 15A-1343(b)(6) as an alternative to imposition of a fine or jail term.

³⁰See note 29, above.

4. Vandalize grave marker or ornament

A. Causing less than \$1,000 damage	14-148(a)(3), -148(c)	Imprisonment for not less than 60 days nor more than 1 year, fine up to \$500 (or both) ³¹	Misdemeanor
B. Causing more than \$1,000 damage	14-149(a)(3)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

DRIVING WHILE IMPAIRED. See MOTOR VEHICLE OFFENSES--Driving while impaired

DRIVER LICENSE OFFENSES. See MOTOR VEHICLE OFFENSES--Driving while license suspended or revoked, --Driving without license

DRUGS. See NARCOTIC AND OTHER DRUG VIOLATIONS

DRUNK DRIVING. See MOTOR VEHICLE OFFENSES--Driving while impaired

DUMPING OR LITTERING

1. Dumping of toxic substances	14-284.2	Imprisonment up to 10 years (presumptive 3), fine up to \$100,000 per day of violation (or both)	Class H Felony
2. Littering	14-399		
A. First offense		Fine of \$50-\$200, community service (or both)	Misdemeanor
B. Subsequent offense		Fine of \$50-\$300, community service (or both)	Misdemeanor

³¹See note 29.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
3. Dumping litter on private property	14-399.1		
A. First offense		Imprisonment up to 30 days and fine up to \$500	Misdemeanor
B. Subsequent offense		Imprisonment up to 6 months and fine up to \$1,000	Misdemeanor
EMBEZZLEMENT			
1. By agent or fiduciary	14-90	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Of state property	14-91	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
3. By public officer or trustee	14-92	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
4. By treasurer of charitable or religious organization ³²	14-93, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. By officer of railroad company	14-94	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
6. By insurance agent			
A. \$400 or less	14-96, -72(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. More than \$400	14-96, -72(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

³²This section creates two offenses applicable to financial officers of benevolent or religious institutions: (1) lending money without consent of the institution, and (2) failure to account for money. State v. Dunn, 138 N.C. 672, 50 S.E. 772 (1905).

7. Appropriation of partnership funds by partner	14-97, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. By surviving partner, with refusal to account for funds	14-98	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
9. Of taxes, by public officer	14-99	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
10. By employee	14-74	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

EMERGENCY. See RIOTS AND CIVIL DISORDERS

ESCAPE. See also WEAPONS OFFENSES--Dangerous weapon in prison

1. Escape or attempted escape from state prison system ³³			
A. By misdemeanant--first offense	148-45(a)	Imprisonment for not less than 3 months nor more than 1 year	Misdemeanor
B. By felon	148-45(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
C. Subsequent offense	148-45(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony

³³Failure to return to the custody of the Department of Correction from work release or other temporary release is treated as escape, punishable under applicable section of G.S. 148-45. G.S. 148-45(g)(2) provides that if a person who would otherwise be guilty of a first violation of this section because of failure to return from temporary release voluntarily returns within 24 hours, he shall not be charged with escape. If he commits a subsequent violation of this section, however, his failure to return is an escape even if he returns within 24 hours.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
2. Escape from county or municipal jail			
A. While hired out	14-255	Imprisonment up to 30 days, or fine up to \$50	Misdemeanor
B. From county or municipal facilities or officers	14-256, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. By felon, pending transfer to state prison system	14-256(1)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
D. By person serving sentence for felony	14-256(2)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
3. Maltreating or permitting escape of hired convicts	14-257, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Aiding escape			
A. From state prison system	148-45(d), 14-3	Imprisonment up to 2 years	Misdemeanor
B. Aiding escaped prisoners			
1. When prisoner is felon or charged with felony	14-259	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
2. When prisoner is misdemeanant or charged with misdemeanor	14-259, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Trading with prisoners ³⁴			

³⁴As to conveying certain prohibited articles to prisoners or inmates of institutions, see also PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES.

1. Trading ³⁵	14-258, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Trading when article conveyed to prisoner leads to murder, assault, or escape	14-258	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

EXPLOSIVE OR INCENDIARY DEVICE. See also ATTEMPT; CONSPIRACY; LARCENY AND RECEIVING; RIOTS AND CIVIL DISORDERS

1. Malicious use of explosive or incendiary			
A. To injure another	14-49(a), -49(c)	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
B. To damage property	14-49(b), -49(c)	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
C. To damage occupied property	14-49.1	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony
2. Exploding dynamite cartridge or bomb	14-283, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Unlicensed sale of explosives	14-284, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Violation of regulations governing sale of explosives	14-284.1	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
5. Making false report of destructive device	14-69.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

³⁵"Trading" as used above means (a) conveying messages to or from any convict, (b) conveying weapon or instrument of escape to any prisoner, (c) trading with convict for his clothing or stolen goods, or (d) selling a convict any article forbidden by prison rules.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
6. Bomb hoax	14-69.2, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
EXTORTION. ³⁶ <u>See also</u> BLACKMAIL			
1. Extortion	14-118.4	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Threatening to damage computer or computer program with intent to extort	14-457	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
3. Threatening to tamper with food, drugs, or cosmetics with intent to extort	14-34.4(b)	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony
FALSE IMPRISONMENT. <u>See</u> KIDNAPPING AND ABDUCTION--False imprisonment			
FALSE PRETENSES AND CHEATS. <u>See also</u> FRAUD			
1. Obtaining property by false pretenses	14-100	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Obtaining signatures by false pretenses	14-101	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Obtaining advances by false promise to work	14-104	Imprisonment up to 30 days or fine up to \$50	Misdemeanor

³⁶Extortion is also a crime at common law, although a necessary element of that offense is that the offender be a public official acting under color of his office. See State v. Cansler, 75 N.C. 442 (1876), and State v. Pritchard, 107 N.C. 921, 12 S.E. 50 (1890).

4. Obtaining advances by false written promise to pay out of designated property	14-105	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
5. Obtaining property by worthless check	14-106, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
6. Knowingly writing worthless check ³⁷			
A. Check for \$50 or less	14-107(1)	Imprisonment up to 30 days or fine up to \$50 ³⁸	Misdemeanor
B. Check over \$50	14-107(2)	Imprisonment up to 6 months, fine up to \$500 (or both) ³⁹	Misdemeanor
C. Check drawn on nonexistent account	14-107(3)	Imprisonment up to 2 years, fine up to \$1,000 (or both)	Misdemeanor
D. Check drawn on closed account	14-107(4)	Imprisonment up to 5 months, fine up to \$400 (or both)	Misdemeanor
7. Defrauding innkeeper or restaurant owner	14-110	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
8. Obtaining merchandise on approval with intent to defraud	14-112	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
9. Obtaining money by false representation of physical defect	14-113	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor

³⁷G.S. 14-107(5) provides that the judge, in deciding to impose any sentence other than imprisonment, may require the defendant to make restitution to the victim for the amount of the check and to pay as part of the costs a witness fee for each prosecuting witness.

³⁸If defendant has been convicted three times of violating G.S. 14-107, all subsequent offenses are punishable as general misdemeanors under G.S. 14-3 by imprisonment up to two years, fine, or both. G.S. 14-107(1).

³⁹See note 38.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
10. Obtaining or attempting to obtain goods through false telephone number, false credit number, or credit device ⁴⁰	14-113.1, -113.6	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
11. Avoiding or attempting to avoid lawful charges for telecommunications services	14-113.4, -113.6	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
12. Participating in theft of telecommunications service	14-113.5, -113.6	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
FELON, BEING A HABITUAL. <u>See</u> HABITUAL FELON			
FIREARM, POSSESSION BY CONVICTED FELON. <u>See</u> WEAPONS OFFENSES--Possession of certain firearms by felon			
FIREWORKS, MAKING, SELLING, OR USING	14-410, -415	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
FORGERY. <u>See also</u> FRAUD			
1. Common law forgery	c.1., 14-3 ⁴¹	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Bank notes, checks, securities	14-119	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

⁴⁰This statute does not apply to credit cards. G.S. 14-113.7A. See also FRAUD--Financial transaction card fraud.

⁴¹Unless deemed a Class H felony under the terms of G.S. 14-3(b). For a discussion of the test to be used in determining when an offense is committed "with deceit and intent to defraud" under that statute, see State v. Glidden, 317 N.C. 557, 346 S.E.2d 470 (1986).

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

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

1. Financial transaction card fraud

A. When value obtained in 6 month period is \$500 or less	14-113.13, -113.17(a)	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
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<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
B. When value obtained in 6 month period exceeds \$500	14-113.13, -113.17(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
C. False statement on application for card	14-113.13(c), -113.17(a)	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
D. False report of loss of card	14-113.13(d), -113.17(a)	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
E. Criminal receipt of goods or services obtained by financial transaction card fraud			
1. When value obtained in 6 month period is \$500 or less	14-113.15, -113.17(a)	Imprisonment up to 1 year, fine up to \$1,000 (or both)	Misdemeanor
2. When value obtained in 6 month period exceeds \$500	14-113.15, -113.17(b)	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
2. Fraudulent disposal of collateral	14-114	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
3. Fraudulent purchase of collateral	14-114	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
4. Secreting property to hinder enforcement of security interest	14-115	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
5. Simulation of court process in connection with collection of claim, demand, or account	14-118.1	Imprisonment up to 6 months, fine up to \$200 (or both)	Misdemeanor
6. Assisting in obtaining academic credit by fraudulent means	14-118.2	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
7. Unauthorized interception of cable television service	14-118.5(a)	Imprisonment up to 30 days, fine up to \$500 (or both)	Misdemeanor

8. Unauthorized sale of decoder for cable television signal	14-118.5(b)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
9. Renting equipment or vehicle with intent to defraud	14-168	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
10. Medicaid fraud			
A. By provider	108A-63	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
B. By recipient	108A-64		
1. If value wrongfully received is \$400 or less		Imprisonment up to 2 years, fine up to \$500 (or both)	Misdemeanor
2. If value wrongfully received exceeds \$400		Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
11. Welfare fraud			
A. If value wrongfully received is \$400 or less	108A-39, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. If value wrongfully received exceeds \$400	108A-39	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
12. Food stamp fraud			
A. Fraudulently obtaining or transferring food stamps			
1. If value wrongfully received is \$400 or less	108A-53(a), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
2. If value wrongfully received exceeds \$400	108A-53(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony ⁴²
B. Presenting fraudulently obtained food stamps	108A-53(b), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Receiving fraudulently obtained food stamps	108A-53(c), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
GAMBLING. See LOTTERIES AND GAMBLING			
GLUE SNIFFING. See NARCOTIC AND OTHER DRUG VIOLATIONS--Violation of Toxic Vapors Act			
GOING ARMED TO TERROR OF PEOPLE	common law, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
HABITUAL FELON ⁴³	14-7.1-7.6	Imprisonment up to 50 years or for life (presumptive 15), or imprisonment and fine ⁴⁴	Class C Felony

⁴²G.S. 108A-53(a) provides that a person convicted of this offense "shall be guilty of a felony and shall be punished as in cases of larceny." G.S. 14-72 provides that larceny of goods having a value of more than \$400 is a Class H felony.

⁴³Being a habitual felon is not a crime. It is a status that subjects the defendant to an enhanced punishment upon conviction of a felony. State v. Allen, 292 N.C. 431, 233 S.E.2d 585 (1977). Upon conviction as a habitual felon, the defendant is sentenced as a Class C felon for the underlying felony. State v. Aldridge, 67 N.C. App. 655, 314 S.E.2d 139 (1984).

⁴⁴G.S. 14-7.6 provides that a person sentenced under Article 2A as a habitual felon must receive a sentence of at least 14 years imprisonment and that the defendant must actually serve not less than 7 years in prison, excluding gain time. The sentence may not be suspended, and the person may not be placed on probation. Sentences imposed under Article 2A must run consecutively with and begin at the expiration of any sentence being served by the defendant at the time of sentencing.

HARASSING PHONE CALLS	14-196, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
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HAZING

1. Hazing	14-35	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
2. Failure to expel student convicted of hazing	14-36, 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

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

HIT-AND-RUN DRIVING. See MOTOR VEHICLE OFFENSES--Hit-and-run driving

HOMICIDE. See MANSLAUGHTER; MURDER; DEATH BY VEHICLE

IMPERSONATION

1. Impersonation of fireman or emergency medical personnel	14-276.1	Imprisonment up to 30 days	Misdemeanor
2. Representing self as law- enforcement officer	14-277(a),(d), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Representing self as law- enforcement officer and acting as such	14-277(b),(d)	Imprisonment for not less than 72 hours nor more than 2 years ⁴⁵	Misdemeanor

⁴⁵May be suspended on condition that defendant (1) be imprisoned for at least 72 hours as condition of special probation; (2) performs community service for 72 hours; (3) pays a fine; or (4) any combination of these conditions. The judge may also impose any other lawful condition of probation.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
4. Impersonation of city, county, or state employee	14-277(e), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
INCENDIARY DEVICE. <u>See</u> EXPLOSIVE OR INCENDIARY DEVICE			
INCEST			
1. Between certain near relatives ⁴⁶	14-178	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
2. Between uncle and niece or aunt and nephew	14-179, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
INCITING TO RIOT. <u>See</u> RIOTS AND CIVIL DISORDERS--Inciting to riot			
INDECENT EXPOSURE			
1. Indecent exposure	14-190.9	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
2. Permitting use of premises for indecent exposure	14-190.9	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
INDECENT LIBERTIES. <u>See</u> MINORS, OFFENSES AGAINST--Taking indecent liberties with children			
INJUNCTION, VIOLATION OF. <u>See</u> CONTEMPT OF COURT--Criminal contempt generally; RIOTS AND CIVIL DISORDERS--Violation of emergency proclamation			

⁴⁶Grandparent and grandchild, parent and child, parent and stepchild or legally adopted child, and brother and sister of the whole or half blood. G.S. 14-178.

INVOLUNTARY MANSLAUGHTER. See MANSLAUGHTER

KIDNAPPING AND ABDUCTION

1. Kidnapping

A. First degree	14-39	Imprisonment up to 40 years (presumptive 12), fine (or both)	Class D Felony
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B. Second degree	14-39	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
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2. False imprisonment	common law, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
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3. Abduction of child under 14	14-41	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
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4. Involuntary servitude	14-43.2	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
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5. Felonious restraint	14-43.3	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
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6. Taking of hostage by prisoner	14-258.3	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
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7. Transporting child outside state with intent to violate custody order	14-320.1	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
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LARCENY AND RECEIVING. See also FRAUD

1. Larceny

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
A. Of goods valued over \$400	14-70, -72(a)	Imprisonment up to 10 years (presumptive 3), fine (or both) ⁴⁷	Class H Felony
B. From person	14-70, -72 (a), (b)(1)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Pursuant to burglary or breaking or entering in violation of 14-51, -53, -54 or -57	14-70, -72 (a), (b)(2)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
D. Of explosive or incendiary device or substance	14-70, -72 (a), (b)(3)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
E. Of firearm	14-70, -72 (a), (b)(4)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
F. Of record or paper in custody of State Archives	14-70, -72 (a), (b)(5)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
G. Of goods valued up to \$400	14-72(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
H. Shoplifting ⁴⁸			
1. Willful concealment of merchandise	14-72.1(a), (e)		Misdemeanor

⁴⁷G.S. 14-86.1 provides that all conveyances used in the commission of larceny when the value of property taken exceeds \$400 are subject to forfeiture, with certain conditions set out in the statute.

⁴⁸G.S. 14-72.1(g) sets out three limitations applicable whenever a term of active imprisonment is imposed for this offense. First, the court may not give credit for the first 24 hours the defendant spends in jail awaiting trial. Second, neither good time nor gain time may be used to reduce the term of imprisonment below the mandatory minimum period set out above. Finally, the defendant may not be released or paroled until he has actually served the mandatory minimum term of imprisonment.

A. First offense	Imprisonment for 24 hours to 60 days; ⁴⁹ may be fined up to \$100	
B. Second offense within 3 years of conviction of first offense	Imprisonment for 72 hours to 6 months; ⁵⁰ may be fined up to \$500	
C. Third or subsequent offense within 5 years of 2 prior convictions	Imprisonment for 14 days to 2 years; ⁵¹ may be fined	
D. Subsequent conviction not falling into above categories	Imprisonment for 24 hours to 60 days; ⁵² may be fined up to \$100	
2. Switching price tags	14-72.1(d), (e)	Misdemeanor
A. First offense	Imprisonment for 24 hours to 60 days; ⁵³ may be fined up to \$100	

⁴⁹Term of imprisonment may be suspended only on condition that defendant performs at least 24 hours of community service. If the judge finds that the defendant is unable to perform community service because of mental or physical infirmity, however, the judge may pronounce "such other sentence as he finds appropriate," provided the judge sets out the reasons for this finding in the judgment. G.S. 14-72.1(e).

⁵⁰Term of imprisonment may be suspended only on condition that defendant be imprisoned for at least 72 hours as a condition of special probation, performs community service for at least 72 hours, or both. This restriction does not apply, however, if the defendant suffers from physical or mental infirmity causing him to be incapable of performing community service; see note 49.

⁵¹Term of imprisonment may be suspended only if one condition of special probation is that defendant be imprisoned for at least 14 days.

⁵²Term of imprisonment may be suspended only on condition that defendant performs at least 24 hours of community service. This restriction does not apply, however, if the defendant suffers from a physical or mental infirmity making him incapable of performing community service; see footnote 49.

⁵³Term of imprisonment may be suspended only on condition that defendant performs at least 24 hours of community service.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
B. Second offense within 3 years of conviction of first offense		Imprisonment for 72 hours to 6 months; ⁵⁴ may be fined up to \$500	
C. Third or subsequent offense within 5 years of 2 prior convictions		Imprisonment for 14 days to 2 years; ⁵⁵ may be fined	
D. Subsequent conviction not falling into above categories		Imprisonment for 24 hours to 60 days; ⁵⁶ may be fined up to \$100	
J. Unauthorized use of motor conveyance			
1. Motor vehicle, boat, etc.	14-72.2	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Aircraft	14-72.2(b)	Imprisonment up to 5 years, (presumptive 2), fine (or both)	Class I Felony
K. By employee	14-74	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
L. Of secret technical processes	14-75.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

⁵⁴Term of imprisonment may be suspended only on condition that defendant be imprisoned for at least 72 hours as a condition of special probation, performs community service for at least 72 hours, or both.

⁵⁵Term of imprisonment may be suspended only if one condition of special probation is that defendant be imprisoned for at least 14 days.

⁵⁶Imprisonment may be suspended only on condition that defendant performs at least 24 hours of community service.

M. Of public records or papers	14-76, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
N. Of will	14-77, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
O. Of horses, mules, swine, or cattle	14-81	Imprisonment up to 10 years (presumptive 3), fine (or both) ⁵⁷	Class H Felony
P. Credit card theft. <u>See</u> CREDIT CARD THEFT			
2. Receiving			
A. Stolen goods with value over \$400	14-71, -72(a)	Imprisonment up to 10 years (presumptive 3), fine (or both) ⁵⁸	Class H Felony
B. Goods stolen from a person	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Goods stolen pursuant to breaking or entering or burglary in violation of G.S. 14-51, -53, -54, or -57	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
D. Stolen explosive or incendiary device	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
E. Stolen firearm	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
F. Stolen record or paper in custody of State Archives	14-71, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

⁵⁷The minimum sentence for this offense is probation subject to the following conditions: (1) restitution for damage or loss caused by larceny, and (2) fine of not less than amount of damages or loss caused by larceny.

⁵⁸See note 47.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
G. Stolen goods valued up to \$400	14-71, -72(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
H. Stolen vehicle	20-106	Imprisonment up to 5 years, (presumptive 2), fine (or both)	Class I Felony
3. Possession			
A. Of stolen goods with value over \$400	14-71.1, -72(a)	Imprisonment up to 10 years (presumptive 3), fine (or both) ⁵⁹	Class H Felony
B. Of goods stolen from a person	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Of goods stolen pursuant to breaking or entering or burglary in violation of G.S. 14-51, -53, -54, or -57	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
D. Of stolen explosive or incendiary device	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
E. Of stolen firearm	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
F. Of stolen record or paper in custody of State Archives	14-71.1, -72(c)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
G. Of stolen goods valued up to \$400	14-71.1, -72(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
H. Of stolen vehicle	20-106	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

⁵⁹See note 47.

LIBEL AND SLANDER

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|---|-------|---|-------------|
| 1. Communicating libelous matter to newspaper | 14-47 | Imprisonment up to 6 months, fine up to \$500 (or both) | Misdemeanor |
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LIQUOR LAW VIOLATIONS

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|--|----------------------------|--|---------------------------|
| 1. Manufacture, sale, transport, import, export, delivery, furnishing, purchase, consumption, or possession of alcoholic beverages ⁶⁰ except as authorized by Ch. 18B | 18B-102 | Imprisonment up to 2 years, fine (or both) ⁶¹ | Misdemeanor ⁶² |
| 2. Possession, transportation, or sale of nontaxpaid alcoholic beverages | 18B-111,
-102 | Imprisonment up to 2 years, fine (or both) | Misdemeanor |
| 3. Consumption of wine or beer on premises having only off-premises permit | 18B-300(b),
-102 | Imprisonment up to 2 years, fine (or both) | Misdemeanor |
| 4. Consumption of fortified wine, spirituous liquor, or mixed beverage on public road or sidewalk | 18B-301(f)
(1)(c), -102 | Imprisonment up to 2 years, fine (or both) | Misdemeanor |

⁶⁰"Alcoholic beverage" is defined as a beverage containing at least 0.5 percent alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages. G.S. 18B-101(4).

⁶¹In addition to fine and imprisonment, G.S. 18B-102(b) provides that the court may impose the provisions of G.S. 18B-202 (discharge from office or employment of any commission or local board member or employee or ALE agent convicted of a violation of Chapter 18B), 18B-503 (sale or destruction of seized beverages), 18B-504 (forfeiture of property connected to offense), and 18B-505 (restitution to law enforcement agency for expenses incurred in purchasing beverages as part of investigation). Furthermore, G.S. 18B-104 authorizes certain administrative penalties for violation of the ABC laws by a permittee.

⁶²G.S. 18B-102(a) provides that a violation of Chapter 18B is a misdemeanor "[u]nless a different punishment is otherwise expressly stated."

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
5. Displaying fortified wine, spirituous liquor, mixed beverage at athletic contest	18B-301(f) (2), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
6. Possession or consumption of fortified wine, spirituous liquor, or mixed beverage on unauthorized premises	18B-301(f) (4), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
7. Sale of alcoholic beverage to person under 21	18B-302(a), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Offenses by persons under 21			
A. Purchase or possession of beer or unfortified wine by 19- or 20-year-old person	18B-302(b), (i)	Fine up to \$25	Infraction ⁶³
B. Purchase or possession of beer or unfortified wine by person under 19	18B-302(b), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Purchase or possession of fortified wine or spirituous liquor by person under 21	18B-302(b), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
9. Purchase or sale of alcoholic beverage in amount greater than authorized by statute	18B-303, -403, -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor
10. Sale of alcoholic beverage without permit	18B-304, -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor

⁶³Note that court costs may not be assessed in connection with this infraction.

11. Manufacture of alcoholic beverage without permit				
A. First offense	18B-307(b), -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor	
B. Second offense	18B-307(b), (c)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony	
12. Transportation of unauthorized amount of alcoholic beverage	18B-406 -102	Imprisonment up to 2 years, fine (or both)	Misdemeanor	
13. Open bottle of fortified wine or spirituous liquor in motor vehicle	18B-401(a)	Imprisonment up to 30 days, fine of \$25-\$500 (or both)	Misdemeanor	
14. Consumption of wine or beer by driver of motor vehicle	18B-401(a)	Imprisonment up to 30 days, fine of \$25-\$500 (or both)	Misdemeanor	

LITTERING. See DUMPING OR LITTERING

LOOTING. See RIOTS AND CIVIL DISORDERS--Looting

LOTTERIES AND GAMBLING⁶⁴

1. Promoting or conducting unautho- rized lottery or raffle ⁶⁵	14-290	Imprisonment up to 6 months, fine up to \$2,000 (or both)	Misdemeanor	
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⁶⁴G.S. 14-299 provides for the seizure and sale or destruction of gambling equipment used in illegal operations.

⁶⁵G.S. 14-291.2(a) provides that any person who promotes or participates in a pyramid scheme "shall be deemed to have participated in a lottery and shall be punished as provided for in G.S. 14-290." G.S. 14-291.1(c) provides that the continuation of such a scheme may be enjoined by a superior court judge and that the court may assess civil penalties and attorney fees in such a case upon certain findings. Finally, the court has authority to appoint a receiver to secure assets obtained by defendant through his participation in the scheme.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
2. Possession of unauthorized lottery tickets	14-290	Imprisonment up to 6 months, fine (or both)	Misdemeanor
3. Selling lottery tickets	14-291, -290	Imprisonment up to 6 months, fine up to \$2,000 (or both)	Misdemeanor
4. Selling "numbers" tickets	14-291.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Gambling	14-292, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
6. Allowing gambling in houses of entertainment	14-293	Imprisonment for not less than 6 months and fine of not less than \$500 ⁶⁶	Misdemeanor
7. Gaming tables, illegal punchboards, and slot machines			
A. Keeping	14-295	Imprisonment for not less than 30 days and fine of not less than \$200	Misdemeanor
B. Playing	14-295	Fine of not less than \$10	Misdemeanor
8. Operating or possessing slot machine	14-301, -303, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

LYNCHING. See OBSTRUCTING JUSTICE--Breaking or entering jail with intent to injure prisoner

MAIMING. See ASSAULT--Malicious maiming

⁶⁶C.S. 14-293 also provides that any person convicted of this offense shall forfeit his license to do business and forever be barred from doing any of the businesses set out in the statute.

MANSLAUGHTER

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

MINORS, OFFENSES AGAINST.⁶⁷ See also ABANDONMENT AND NONSUPPORT; CHILD ABUSE; KIDNAPPING AND ABDUCTION; OBSCENITY;
RAPE AND OTHER SEXUAL OFFENSES

1. Material harmful to minors			
A. Displaying	14-190.14	Imprisonment up to 6 months and fine of not less than \$500 ⁶⁸	Misdemeanor
B. Disseminating	14-190.15(a)	Imprisonment up to 2 years and fine	Misdemeanor
2. Exhibiting harmful performance to minor	14-190.15(b)	Imprisonment up to 2 years and fine	Misdemeanor
3. Sexual exploitation of minor			
A. First degree	14-190.16	Imprisonment up to 15 years (presumptive and minimum 6), or imprisonment and fine ⁶⁹	Class G Felony

⁶⁷When an offense involves physical, mental, or sexual abuse of a minor, the court may require the defendant to pay the cost of rehabilitative treatment for the child as a special condition of probation. G.S. 15A-1343(b1).

⁶⁸Each day's violation of this section is a separate offense. G.S. 14-190.14(b).

⁶⁹Unless sentenced as a committed youthful offender, a person convicted of this offense must receive a sentence of 6 years and must actually be imprisoned for at least 3 years, excluding gain time. The sentence may not be suspended, and the defendant may not be placed on probation. A sentence imposed under this section must run consecutively with, and begin at the expiration of, any other sentence being served by the defendant.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
B. Second degree	14-190.17	Imprisonment up to 10 years (presumptive and minimum 4), or imprisonment and fine ⁷⁰	Class H Felony
4. Prostitution of minor			
A. Promoting	14-190.18	Imprisonment up to 15 years (presumptive and minimum 6), or imprisonment and fine ⁷¹	Class G Felony
B. Participating in	14-190.19	Imprisonment up to 10 years (presumptive and minimum 4), or imprisonment and fine ⁷²	Class H Felony
5. Taking indecent liberties with children	14-202.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
6. Permitting child under 12 to use dangerous firearm	14-316	Imprisonment up to 30 days, or fine up to \$50	Misdemeanor
7. Contributing to delinquent, undisciplined, abused, or neglected condition of juvenile	14-316.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Transporting child outside state with intent to violate custody order	14-320.1	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony

⁷⁰The same conditions apply to this sentence as those set out in the preceding note, except that the minimum sentence is 4 years and the person convicted must actually serve 2 years.

⁷¹The same conditions apply to this sentence as those set out in note 69.

⁷²The same conditions set out in note 69 apply to this sentence, except that the minimum sentence is 4 years and the person convicted must actually serve 2 years.

MISCONDUCT IN PUBLIC OFFICE

1. Buying or selling public office	14-228, 14-3	Imprisonment up to 2 years, fine (or both); forfeiture of office	Misdemeanor
2. Willful failure by public officer to discharge duties	14-230, 14-3	Imprisonment up to 2 years or fine; removal from office	Misdemeanor
3. Misuse of confidential information	14-234.1, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Allowing prisoner to escape	14-239, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Failing to return process, or making false return	14-242, 14-3	Imprisonment up to 2 years, fine (or both) ⁷³	Misdemeanor
6. Private use of public vehicle	14-247, -251	Imprisonment up to 6 months, fine of not less than \$100 nor more than \$500 (or both)	Misdemeanor

MORTGAGED PROPERTY, DISPOSAL. See FRAUD--Fraudulent disposal of collateral

MOTOR VEHICLE OFFENSES.⁷⁴ See also DUMPING OR LITTERING; RACING

1. Driving while license suspended
or revoked

⁷³G.S. 14-242 provides that, in addition to being punished for a misdemeanor, an officer convicted of this offense "shall forfeit and pay to anyone who will sue for the same one hundred dollars. . . ."

⁷⁴For a more complete listing of motor vehicle offenses, see Punishment Chart for Motor Vehicle Offenses in North Carolina (Institute of Government, 1987).

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
A. For specified or indefinite time	20-28(a)	Imprisonment up to 2 years, fine of not less than \$200 (or both); further suspension or revocation for one year (first offense), 2 years (second offense), or permanently (third or subsequent offense) ⁷⁵	Misdemeanor
B. Permanent revocation	20-28(b)	Imprisonment for 30 days to 2 years and fine up to \$1,000 ⁷⁶	Misdemeanor
2. Driving without license	20-7, -35	Imprisonment up to 6 months, or fine up to \$500	Misdemeanor
3. Hit-and-run driving ⁷⁷			
A. Involving personal injury or death	20-166(a)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
B. Involving property damage, or personal injury or death of which driver is unaware	20-166(c)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Failure to furnish information or assistance at scene of accident	20-166(b), -166(c1)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

⁷⁵G.S. 20-28(a1) provides that a person convicted of this offense shall be punished as if he had been convicted of driving without a license under G.S. 20-7 if he demonstrates to the court that (1) his license was revoked solely under G.S. 20-16.5 (authorizing immediate civil license revocation in some cases for persons charged with implied-consent offenses), and (2) that the period of revocation had expired at the time of the offense.

⁷⁶G.S. 20-28(b) provides that a defendant convicted of this offense must be sentenced to a minimum term of imprisonment of 30 days, and this sentence is not subject to suspension or parole.

⁷⁷See G.S. 20-17(4) and 20-19(f) as to revocation of license for this offense.

5. Reckless driving ⁷⁸	20-140	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
6. Passing stopped school bus	20-217	Imprisonment up to 90 days, fine up to \$200 (or both)	Misdemeanor
7. Altering engine numbers	20-109	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
8. Driving while impaired ⁷⁹	20-138.1		Misdemeanor
A. Level 1 punishment	20-179(g)	Imprisonment for 14 days to 2 years; may be fined up to \$2,000 ⁸⁰	
B. Level 2 punishment	20-179(h)	Imprisonment for 7 days to 1 year; may be fined up to \$1,000 ⁸¹	

⁷⁸See G.S. 20-16, 20-16.1, 20-17, and 20-19 as to suspension or revocation of license for this offense.

⁷⁹Punishment for the single offense of driving while impaired is divided into five different levels, with the applicable punishment level being determined by a number of statutory factors set out in G.S. 20-179. The statute also provides that certain conditions of probation--involving education, assessment, and treatment--are mandatory if a defendant is placed on probation, unless certain specified circumstances are present. G.S. 20-179(1), (m). A person convicted of driving while impaired may be eligible for a limited driving privilege if he has not been convicted of an offense involving impaired driving within the previous seven years. G.S. 20-179.3. In addition, under G.S. 20-179(k1), the court may order that imprisonment imposed as a condition of special probation be served in an inpatient treatment facility. Furthermore, the court may credit against an active sentence the time a defendant spends as an inpatient during the interval between the offense and sentencing. This credit is available, however, only if it has not been used during the seven-year period immediately preceding the date of the offense.

⁸⁰Term of imprisonment may be suspended only if condition of special probation requires defendant to serve at least 14 days imprisonment or as inpatient in an approved treatment facility. G.S. 20-179(g), (k1).

⁸¹Imprisonment may be suspended only if condition of special probation requires defendant to serve at least 7 days imprisonment or as inpatient in an approved treatment facility. G.S. 20-179(h), (k1).

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
C. Level 3 punishment	20-179(i)	Imprisonment for 72 hours to 6 months; may be fined up to \$500 ⁸²	
D. Level 4 punishment	20-179(j)	Imprisonment for 48 hours to 120 days; may be fined up to \$250 ⁸³	
E. Level 5 punishment	20-179(k)	Imprisonment for 24 hours to 60 days; may be fined up to \$100 ⁸⁴	
MUNICIPAL ORDINANCE. <u>See</u> ORDINANCE VIOLATION			
MURDER			
1. First degree	14-17	Death ⁸⁵ or life imprisonment	Class A Felony

⁸²Imprisonment must be suspended on condition that defendant (1) be imprisoned for at least 72 hours or spends equivalent time as inpatient at an approved treatment facility, as condition of special probation; (2) performs community service for at least 72 hours; (3) not operate a motor vehicle for at least 90 days; or (4) be subject to any combination of these conditions. G.S. 20-179(i), (k1).

⁸³Imprisonment must be suspended on condition that defendant (1) be imprisoned for 48 hours or serves equivalent time as inpatient at an approved treatment facility, as condition of special probation; (2) performs community service work for 48 hours; (3) not operate a motor vehicle for 60 days; or (4) be subject to any combination of these conditions. G.S. 20-179(j), (k1).

⁸⁴Imprisonment must be suspended on condition that defendant (1) be imprisoned for 24 hours or serves equivalent time as inpatient at an approved treatment facility, as condition of special probation; (2) performs community service work for 24 hours; (3) not operate a motor vehicle for 30 days; or (4) be subject to any combination of these conditions. G.S. 20-179(k), (k1).

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

2. Second degree

14-17

Imprisonment up to 50 years or for life
(presumptive 15), or fine (or both)

Class C Felony

NARCOTIC AND OTHER DRUG VIOLATIONS⁸⁶

1. Violation of Controlled Substances Act⁸⁷

A. Possession of controlled substance 90-95(a)(3)

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

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

A. G.S. 90-95(e) provides for increased punishment for any violation of the Act as follows:

1. If the offense is punishable by imprisonment for up to 2 years and the defendant has previously been convicted under state or federal law of an offense punishable under the Act, the defendant shall be punished as a Class I felon (imprisonment up to 5 years, presumptive 2, fine, or both). If the offense is punishable by imprisonment for up to 6 months, and the defendant has a prior conviction as set out above, the defendant is guilty of a misdemeanor and shall be sentenced to imprisonment for up to 2 years, or fined up to \$2,000, or both. If the offense requires a suspended sentence and the defendant has a prior conviction as set out above, he is guilty of a misdemeanor and shall be sentenced to imprisonment for up to 6 months, a fine of up to \$500, or both.

2. For the purpose of increasing punishment, prior convictions are counted by the number of separate trials at which final convictions were obtained, not by the number of charges at a single trial.

B. G.S. 90-95(f) provides that a person convicted of an offense under the Controlled Substances Act who is sentenced to an active term of imprisonment less than the maximum term that could have been imposed may also be sentenced to special probation to follow the active sentence for a period up to five years. Upon revocation of special probation, the original term of imprisonment may be increased up to the difference between the active term of imprisonment served and the maximum active term that could have been imposed.

C. G.S. 90-95.3 authorizes the court to order a person convicted of a violation of the Act to make restitution to any law enforcement agency for reasonable expenditures made in buying drugs from the defendant as part of an investigation leading to his conviction.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
1. Schedule I	90-95(d)(1)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
2. Schedule II-IV	90-95(d)(2)		
a. Small quantities		Imprisonment up to 2 years, fine up to \$2,000 (or both)	Misdemeanor
b. Large quantities		Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Schedule V	90-95(d)(3)	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
4. Schedule VI	90-95(d)(4)		
a. Up to 1/2 oz. mari- juana, or 1/20 oz. hashish		Imprisonment up to 30 days, fine up to \$100 (or both) ⁸⁸	Misdemeanor
b. More than 1/2 oz. marijuana, or 1/20 oz. hashish	14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
c. More than 1 1/2 oz. marijuana, or 3/20 oz. hashish or other spec- ified synthetic substance		Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
B. Manufacture, sale, delivery, or possession with intent to manu- facture, sell, or deliver con- trolled substance	90-95(a)(1)		

⁸⁸ Any sentence of imprisonment must be suspended and sentencing judge may not impose period of imprisonment as a special condition of probation.

1. Schedule I or II	90-95(b)(1)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Schedule III-IV ⁸⁹	90-95(b)(2)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
3. Sale or delivery by person 18 or older to person under 16 years of age	90-95(e)(5)	Imprisonment up to 30 years (presumptive 9), fine (or both)	Class E Felony
C. Creation, sale, delivery, or possession with intent to sell or deliver a counterfeit con- trolled substance	90-95(a)(2), -95(c)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
D. Trafficking (including traffick- ing conspiracy) ⁹⁰	90-95(h) -95(i) ⁹¹		

⁸⁹G.S. 90-95(b)(2) provides that transfer of less than 5 grams of marijuana for no remuneration does not constitute a delivery in violation of G.S. 90-95(a)(1).

⁹⁰G.S. 90-95(h)(5) provides that a person convicted of trafficking and sentenced as a committed youthful offender is eligible for release or parole no earlier than he would have been if sentenced as a regular offender. The judge may not suspend the sentence of a person convicted of trafficking nor place the defendant on probation, absent a finding that the defendant provided "substantial assistance" in the prosecution of others involved. G.S. 90-95(h)(6) provides that sentences imposed under G.S. 90-95(h) must run consecutively with, and begin at the expiration of, any other sentence being served by the defendant.

Also note State v. Perry, 316 N.C. 87, 340 S.E.2d 450 (1986), which authorizes 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.

⁹¹G.S. 90-95(i) provides that the punishment for a trafficking offense also applies to conspiracy to commit a trafficking offense. A trafficking-conspiracy offense is subject to a limitation not applicable to other trafficking offenses, however. State v. Worthington, 84 N.C. App. 150, 352 S.E.2d 695 (1987), holds 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.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
1. In marijuana			
a. More than 50 and less than 100 pounds	90-95(h) (1)(a)	Imprisonment up to 10 years, 5 years minimum, and fine of not less than \$5,000	Class H Felony
b. 100-1,999 pounds	90-95(h) (1)(b)	Imprisonment up to 15 years, 7 years minimum, and fine of not less than \$25,000	Class G Felony
c. 2,000-9,999 pounds	90-95(h) (1)(c)	Imprisonment up to 20 years, 14 years minimum, and fine of not less than \$50,000	Class F Felony
d. 10,000 pounds or more	90-95(h) (1)(d)	Imprisonment up to 40 years, 35 years minimum, and fine of not less than \$200,000	Class D Felony
2. In methaqualone			
a. 1,000-4,999 dosage units	90-95(h) (2)(a)	Imprisonment up to 15 years, 7 years minimum, and fine of not less than \$25,000	Class G Felony
b. 5,000-9,999 dosage units	90-95(h) (2)(b)	Imprisonment up to 20 years, 14 years minimum, and fine of not less than \$50,000	Class F Felony
c. 10,000 or more dosage units	90-95(h) (2)(c)	Imprisonment up to 40 years, 35 years minimum, and fine of not less than \$200,000	Class D Felony
3. In cocaine			
a. 28-199 grams	90-95(h) (3)(a)	Imprisonment up to 15 years, 7 years minimum, and fine of not less than \$50,000	Class G Felony

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

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
F. Other prohibited acts ⁹²			
1. Obtaining controlled substance by fraud or deception ⁹³	90-108(a)(10)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
2. Impersonating a licensed practitioner	90-108(a)(1), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor ⁹⁴
3. Unlawful distribution by registrant or practitioner	90-108(a)(2), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor ⁹⁵
4. Failure to keep or furnish records required by Act	90-108(a)(5), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor ⁹⁶

⁹²G.S. 90-108(b) provides that "if the criminal pleading alleges that the violation was committed intentionally, and upon trial it is specifically found that the violation was committed intentionally, such violations shall be a Class I felony." A Class I felony is punishable by imprisonment up to 5 years (presumptive 2), fine, or both.

⁹³Because any commission of this offense is by definition intentional, and because G.S. 90-108(b) provides that an intentional violation of G.S. 90-108 is a Class I felony, a misdemeanor offense under G.S. 90-108(a)(10) does not exist. State v. Church, 73 N.C. App. 645, 327 S.E. 2d 33 (1985). The rationale in Church may be extended to other provisions of G.S. 90-108 that define an offense in terms requiring intent.

⁹⁴See notes 92 and 93.

⁹⁵See notes 92 and 93.

⁹⁶See notes 92 and 93.

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|---|---|--|---------------------------|
| 5. Maintaining building or vehicle for use by persons violating Act, or for keeping or selling controlled substance | 90-108(a)(7),
14-3 | Imprisonment up to 2 years, fine (or both) | Misdemeanor ⁹⁷ |
| 6. Violation of registration provisions relating to authorized manufacture and distribution | 90-108(a)(3),
-108(a)(8),
-108(a)(9),
14-3 | Imprisonment up to 2 years, fine (or both) | Misdemeanor ⁹⁸ |
| 7. Obtaining controlled substance by use of legal prescription obtained by misrepresentation | 90-108(a)(13),
14-3 | Imprisonment up to 2 years, fine (or both) | Misdemeanor ⁹⁹ |

2. Violation of Toxic Vapors Act

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|---|--------------------------------|--|-------------|
| A. Inhaling fumes for purpose of intoxication | 90-113.10,
-113.13,
14-3 | Imprisonment up to 2 years, fine (or both) | Misdemeanor |
| B. Possession of substance for purpose of inhaling for intoxication | 90-113.11,
-113.13,
14-3 | Imprisonment up to 2 years, fine (or both) | Misdemeanor |
| C. Sale of substance with knowledge of intended illegal use | 90-113.12,
-113.13,
14-3 | Imprisonment up to 2 years, fine (or both) | Misdemeanor |

⁹⁷See note 92. See also *State v. Bright*, 78 N.C. App. 239, 337 S.E. 87 (1985), disc. rev. denied, 315 N.C. 591, 341 S.E.2d 31 (1986), which distinguishes *State v. Church* (see note 93) and interprets G.S. 90-108(a)(7) as follows: maintaining a vehicle with knowledge that it is used in connection with controlled substances is a misdemeanor; maintaining a vehicle with intent that it be so used is a Class I felony.

⁹⁸See notes 92 and 93.

⁹⁹See notes 92 and 93, and *State v. Bright*, 78 N.C. App. 239, 337 S.E.2d 87 (1985), disc. rev. denied, 315 N.C. 591, 341 S.E.2d 31 (1986) (discussed in note 97).

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
3. Violation of Drug Paraphernalia Act			
A. Possession of paraphernalia	90-113.22	Imprisonment up to 1 year, fine up to \$500 (or both)	Misdemeanor
B. Manufacture, delivery, or possession with intent to deliver	90-113.23	Imprisonment up to 2 years, fine of not less than \$1,000 (or both)	Misdemeanor
C. Delivery by person over 18 to minor at least 3 years younger	90-113.23(c)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
D. Advertisement of paraphernalia	90-113.24	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
4. Furnishing drugs to inmate	14-258.1	Imprisonment up to 10 years (presumptive 3), fine (or both) ¹⁰⁰	Class H Felony

OBSCENITY. See also ADULT ESTABLISHMENTS; MINORS, OFFENSES AGAINST

1. Dissemination of obscenity	14-190.1	Imprisonment up to 3 years (presumptive 1), fine (or both)	Class J Felony
a. To a child under 16	14-190.7	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
b. To a child under 13	14-190.8	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Coercing acceptance of obscene publication	14-190.4	Imprisonment up to 1 year and fine up to \$1,000	Misdemeanor

¹⁰⁰ If defendant is employed by state institution or local confinement facility, he must also be dismissed from employment. G.S. 14-258.1.

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|--|----------|--|----------------|
| 3. Preparation of obscene photographs, slides, or films for purpose of dissemination | 14-190.5 | Imprisonment up to 1 year and fine up to \$1,000 | Misdemeanor |
| 4. Using minor to assist in obscenity offense | 14-190.6 | Imprisonment up to 5 years (presumptive 2), fine (or both) | Class I Felony |

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

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|------------------------|-----------------|--|-------------|
| 1. Obstructing highway | 136-90,
14-3 | Imprisonment up to 2 years, fine (or both) | Misdemeanor |
|------------------------|-----------------|--|-------------|

OBSTRUCTING JUSTICE. See also CONSPIRACY--To break or enter jails; CONTEMPT OF COURT; RIOTS AND CIVIL DISORDERS

- | | | | |
|--|-------------------------------|---|----------------|
| 1. Breaking or entering jail with intent to injure prisoner | 14-221 | Imprisonment up to 15 years (presumptive 4 1/2), fine (or both) | Class G Felony |
| 2. Destruction of evidence | 14-221.1 | Imprisonment up to 5 years (presumptive 2), fine (or both) | Class I Felony |
| 3. Altering court document or entering unauthorized judgment | 14-221.2 | Imprisonment up to 10 years (presumptive 3), fine (or both) | Class H Felony |
| 4. Resisting, delaying, or obstructing officer | 14-223 | Imprisonment up to 6 months, fine up to \$500 (or both) | Misdemeanor |
| 5. Picketing near courthouse with intent to interfere with administration of justice | 14-225.1 | Imprisonment up to 2 years, fine up to \$1,000 (or both) | Misdemeanor |
| 6. Harassing a juror | | | |
| A. With intent to influence official action | 14-225.2(a)
(1), (c) | Imprisonment up to 5 years (presumptive 2), fine (or both) | Class I Felony |
| B. As result of prior official action | 14-225.2(a)
(2), (c), 14-3 | Imprisonment up to 2 years, fine (or both) | Misdemeanor |

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
7. Intimidating witness	14-226, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Violating certain court orders	14-226.1	Imprisonment up to 30 days, fine up to \$250 (or both)	Misdemeanor
ORDINANCE VIOLATION. <u>See also</u> RIOTS AND CIVIL DISORDERS--Violation of emergency proclamation			
1. Municipal or county			
A. Regulating operation or parking of vehicles	14-4(b)	Penalty up to \$50	Infraction
B. Other ordinances	14-4(a)	Imprisonment up to 30 days, or fine up to \$50	Misdemeanor
2. Department of Transportation	136-18(5), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
PEEPING INTO ROOM OCCUPIED BY FEMALE	14-202, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
PENAL AND CHARITABLE INSTITUTIONS, ILLEGALLY SUPPLYING INMATES ¹⁰¹			
1. Furnishing poison, narcotics, or weapons to inmates	14-258.1(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Furnishing alcohol to inmates	14-258.1(b), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

¹⁰¹G.S. 14-258.1 provides that if a person convicted under that section is an officer or employee of a state institution, he must be dismissed from his position.

PERJURY. See also OBSTRUCTING JUSTICE

1. Perjury	14-209	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Subornation of perjury	14-210	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
3. False statement to procure benefit of insurance policy or certificate	14-214	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

PICKETING. See OBSTRUCTING JUSTICE; RIOTS AND CIVIL DISORDERS

POSSESSION OF STOLEN GOODS. See LARCENY AND RECEIVING

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

1. Real property

A. Trespass

1. First degree ¹⁰²	14-159.12	Imprisonment up to 6 months, fine up to \$1,000 (or both)	Misdemeanor
2. Second degree ¹⁰³	14-159.13	Imprisonment up to 30 days, fine up to \$200 (or both)	Misdemeanor
3. Trespass on public lands	14-130, 14-3	Imprisonment up to 2 years, fine (or both); in addition, state may recover three times value of cut timber	Misdemeanor

¹⁰²G.S. 14-159.14 provides that this offense is a lesser-included offense of breaking or entering under G.S. 14-54 and 14-56.

¹⁰³G.S. 14-159.14 provides that this offense is a lesser-included offense of breaking or entering under G.S. 14-54 and G.S. 14-56.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
4. Forcible trespass	c.l., 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Domestic criminal trespass	14-134.3	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
B. Willful injury to real property	14-127, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
C. Injury to trees, crops, lands of another	14-128	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
D. Injuring public buildings or facilities	14-132	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
E. Injuring houses, churches, fences, or walls	14-144	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
F. Unlawful posting of adver- tisements	14-145	Imprisonment up to 30 days, fine up to \$50 (or both)	Misdemeanor
G. Interfering with electric, gas, or water meter	14-151.1	Imprisonment up to 2 years, fine up to \$500 (or both)	Misdemeanor
H. Interfering with telephone lines	14-157	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
I. Contaminating public water system	14-159.1	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
J. Hunting or fishing on posted property	14-159.6	Imprisonment up to 6 months, fine of \$50-\$250 (or both)	Misdemeanor
2. Personal property			
A. Willful injury to personal property			

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

PROSTITUTION

1. Prostitution and aiding and abetting prostitution¹⁰⁴

¹⁰⁴G.S. 14-208 provides that no female convicted of this offense may be placed on probation or parole in the care of any person except a female probation officer.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
A. First degree (2 or more prior violations within 1 year)	14-204, -207, -208, 14-3	Fine or imprisonment up to 2 years, ¹⁰⁵ or reformatory 1-3 years	Misdemeanor
B. Second degree (single prior violation within 1 year)	14-204, -207, -208, 14-3	Imprisonment up to 2 years, or fine	Misdemeanor
2. Loitering for purpose of prostitution	14-204.1, -208	Same as punishment for prostitution	Misdemeanor
PUBLIC SAFETY, OFFENSES AGAINST. <u>See also</u> EXPLOSIVES OR INCENDIARY DEVICE; DUMPING			
1. Throwing objects at sporting events	14-281.1	Imprisonment up to 30 days, fine up to \$100 (or both)	Misdemeanor
2. Giving false fire alarm	14-286	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
3. Interfering with emergency radio communication	14-286.2		Misdemeanor
A. Causing serious bodily injury or property damage in excess of \$1,000		Imprisonment up to 1 year and fine up to \$1,000	
B. Otherwise		Imprisonment up to 6 months and fine up to \$500	
4. Tampering with food, drugs, or cosmetics with intent to cause serious injury	14-34.4(a)	Imprisonment up to 50 years or for life (presumptive 15), fine (or both)	Class C Felony

¹⁰⁵G.S. 14-208 provides for a minimum term of imprisonment of 60 days in cities having a population of at least 300,000, provided the city has adopted an ordinance to that effect.

RACING

1. Willful racing	20-141.3(b)	Imprisonment up to 2 years, fine of not less than \$50 (or both)	Misdemeanor
2. Prearranged racing	20-141.3(a)	Imprisonment for not less than 60 days, fine of at least \$500 (or both) ¹⁰⁶	Misdemeanor
3. Permitting use of vehicle for prearranged racing	20-141.3(c)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
4. Betting on prearranged race	20-141.3(c)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

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

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

¹⁰⁶G.S. 20-141.3(g) provides that the court shall order public sale of seized motor vehicles used in the commission of this offense, subject to certain notice requirements and other conditions set out in the statute.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
B. Second degree	14-27.6	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
4. Sexual act with minor by parental substitute	14-27.7	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
5. Sexual act by custodian with victim of any age	14-27.7	Imprisonment up to 15 years (presumptive 4 1/2), fine (or both)	Class G Felony
6. Indecent liberties with child	14-202.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

RECKLESS DRIVING. See MOTOR VEHICLE OFFENSES

RESISTING OFFICER. See OBSTRUCTING JUSTICE--Resisting officer

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

1. Riot

A. Engaging in riot	14-288.2(b), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. Engaging in riot resulting in more than \$1,500 property damage or serious bodily injury	14-288.2(c)(1)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
C. Engaging in riot while possessing dangerous weapon or substance	14-288.2(c)(2)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
D. Inciting to riot	14-288.2(d), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

E. Inciting to riot with resulting property damage exceeding \$1,500 or serious bodily injury	14-288.2(e)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Unlawful assembly	common law, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
3. Disorderly conduct	14-288.4	Imprisonment up to 6 months or fine up to \$500	Misdemeanor
4. Disorderly conduct in or near public building or facility	14-132	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
5. Sitting, standing, or lying on highway or street ¹⁰⁷	20-174.1	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
6. Failure to disperse when commanded	14-288.5	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
7. Trespass during emergency	14-288.6(a), 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Looting	14-288.6(b)	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
9. Transporting dangerous weapon during emergency or riot	14-288.7, 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
10. Manufacture, sale, possession, etc., of weapon of mass death and destruction	14-288.8	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
11. Assault on emergency personnel			
A. Without use of dangerous weapon or substance	14-288.9, 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor

¹⁰⁷See also OBSTRUCTING HIGHWAY.

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
B. Using dangerous weapon or substance	14-288.9	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
12. Violation of emergency proclamation			
A. Issued pursuant to municipal ordinance	14-288.12, 14-4	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
B. Issued pursuant to county ordinance	14-288.13, 14-4	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
C. Municipal proclamation extended to county	14-288.14	Imprisonment up to 30 days or fine up to \$50	Misdemeanor
D. Issued by governor	14-288.15	Imprisonment up to 6 months or fine up to \$500	Misdemeanor
E. Governor's order to evacuate public building	14-288.19	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
F. Injunction or other court order	14-226.1	Imprisonment up to 30 days, fine up to \$250 (or both)	Misdemeanor
13. Picketing near courthouse	14-225.1	Imprisonment up to 2 years, fine up to \$1,000 (or both)	Misdemeanor
ROBBERY. <u>See also</u> ATTEMPT			
1. Common law robbery	common law, 14-87.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony

2. Robbery with firearm or other dangerous weapon	14-87	Imprisonment up to 40 years (presumptive and minimum 14), or fine and imprisonment ¹⁰⁸	Class D Felony
3. Train robbery	14-88	Imprisonment up to 20 years (presumptive 6), fine (or both)	Class F Felony
SAFECRACKING. <u>See also</u> ATTEMPT	14-89.1	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
SCALPING TICKETS	14-344	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
SEXUAL OFFENSES. <u>See</u> RAPE AND OTHER SEXUAL OFFENSES; MINORS, OFFENSES AGAINST			
SHOPLIFTING. <u>See</u> LARCENY--Shoplifting			
SLOT MACHINES. <u>See</u> LOTTERIES AND GAMBLING			

¹⁰⁸Unless sentenced as a committed youthful offender, persons convicted of this offense must receive a sentence of at least 14 years imprisonment and must actually serve a term of at least 7 years, excluding gain time. The sentence may not be suspended, and the defendant may not be placed on probation. A sentence imposed under this section must run consecutively with, and begin at the expiration of, any sentence being served by the defendant. G.S. 14-87(d).

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
SOLICITATION TO COMMIT FELONY			
1. Not infamous ¹⁰⁹	common law, 14-3(a)	Imprisonment up to 2 years, fine (or both)	Misdemeanor
2. Infamous	common law, 14-3(b)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
SUBORNATION OF PERJURY. <u>See</u> PERJURY			
TELEPHONE, HARASSING CALLS. <u>See</u> HARASSING PHONE CALLS			
THREATS. <u>See</u> COMMUNICATING THREATS			
TOWN ORDINANCE. <u>See</u> ORDINANCE VIOLATION			
TOXIC VAPORS. <u>See</u> NARCOTIC AND OTHER DRUG VIOLATIONS			
TRANSPORTATION, DEPARTMENT OF. <u>See</u> ORDINANCE VIOLATION			
TRESPASS. <u>See</u> PROPERTY, VIOLATIONS AGAINST			

¹⁰⁹For discussion of distinction between offenses that are infamous and those that are not, see State v. Mann, 317 N.C. 164, 345 S.E.2d 365 (1986). Mann holds that solicitation to commit common law robbery is an infamous offense. Other offenses ruled on by the appellate courts include solicitation to commit perjury [held infamous, State v. Huff, 56 N.C. App. 721, 289 S.E.2d 604, disc. rev. denied, 306 N.C. 389, 294 S.E.2d 215 (1982)], solicitation to murder [held infamous, State v. Keen, 25 N.C. App. 567, 214 S.E.2d 242 (1975)], and solicitation to commit a crime against nature [held not infamous, State v. Tyner, 50 N.C. App. 206, 272 S.E.2d 626, disc. rev. denied, 302 N.C. 633, 280 S.E.2d 451 (1981)].

UNAUTHORIZED USE OF MOTOR VEHICLE	14-72.2	Imprisonment up to 2 years, fine (or both)	Misdemeanor
UTTERING. <u>See</u> FORGERY			
VEHICLE OFFENSES. <u>See</u> MOTOR VEHICLE OFFENSES			
WEAPONS OFFENSES. <u>See also</u> ASSAULT			
1. Dangerous weapon in prison	14-258.2		
A. Possession by inmate	14-258.2(a), 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
B. Used to assault, inflicting serious injury	14-258.2(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
C. Used to effect escape	14-258.2(a)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
D. Used to assist escape by inmate	14-258.2(b)	Imprisonment up to 10 years (presumptive 3), fine (or both)	Class H Felony
2. Carrying concealed weapon	14-269	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
3. Possessing weapon on educational property	14-269.2	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
4. Carrying gun into public event or establishment serving alcohol	14-269.3, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
5. Possession of weapon in courthouse	14-269.4, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
6. Possession or sale of spring-loaded projectile knife	14-269.6, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor

<u>CRIME</u>	<u>SOURCE</u>	<u>PUNISHMENT</u>	<u>GRADE</u>
7. Carrying weapon at parade or demonstration	14-277.2, 14-3	Imprisonment up to 2 years, fine (or both)	Misdemeanor
8. Making, selling, or possessing weapon of mass death or destruction	14-288.8	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony
9. Possession, use, or sale of tear gas	14-401.6	Imprisonment up to 6 months, fine up to \$500 (or both)	Misdemeanor
10. Sale or possession of machine gun	14-409	Imprisonment for at least 6 months, fine of at least \$500 (or both)	Misdemeanor
11. Possession of certain firearms by felon	14-415.1	Imprisonment up to 5 years (presumptive 2), fine (or both)	Class I Felony

WORTHLESS CHECK. See FALSE PRETENSES AND CHEATS

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