

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 279\*

Short Title: Reclassify Some Felonies.

(Public)

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Sponsors: Representatives Barnes and Redwine.

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Referred to: Judiciary III.

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February 25, 1993

A BILL TO BE ENTITLED

AN ACT TO RECLASSIFY SOME FELONIES AS RECOMMENDED BY THE  
NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

The General Assembly of North Carolina enacts:

~~—NOTARIES~~

Section 1. G.S. 10A-12(c) reads as rewritten:

"(c) Any notary who takes an acknowledgment or performs a verification or proof knowing it is false or fraudulent is guilty of a Class ~~J~~I felony."

~~—REBELLION AGAINST THE STATE~~

Sec. 2. G.S. 14-8 reads as rewritten:

**"§ 14-8. Rebellion against the State.**

If any person shall incite, set on foot, assist or engage in a rebellion or insurrection against the authority of the State of North Carolina or the laws thereof, or shall give aid or comfort thereto, every person so offending in any of the ways aforesaid shall be guilty of a felony, and shall be punished as a Class ~~G~~F felon."

~~—CONSPIRING TO REBEL AGAINST THE STATE~~

Sec. 3. G.S. 14-9 reads as rewritten:

**"§ 14-9. Conspiring to rebel against the State.**

If two or more persons shall conspire together to overthrow or put down, or to destroy by force, the government of North Carolina, or to levy war against the government of the State, or to oppose by force the authority of such government, or by force or threats to intimidate, or to prevent, hinder or delay the execution of any law of the State, or by force or fraud to seize or take possession of any firearms or other property of the State, against the will or contrary to the authority of such State, every

1 person so offending in any of the ways aforesaid shall be punished as a Class ~~H~~G  
2 felon."

3 ~~—~~**COUNTERFEITING COIN AND UTTERING COIN**

4 Sec. 4. G.S. 14-13 reads as rewritten:

5 "**§ 14-13. Counterfeiting coin and uttering coin that is counterfeit.**

6 If any person shall falsely make, forge or counterfeit, or cause or procure to be  
7 falsely made, forged or counterfeited, or willingly aid or assist in falsely making,  
8 forging or counterfeiting the resemblance or similitude or likeness of a Spanish milled  
9 dollar, or any coin of gold or silver which is in common use and received in the  
10 discharge of contracts by the citizens of the State; or shall pass, utter, publish or sell, or  
11 attempt to pass, utter, publish or sell, or bring into the State from any other place with  
12 intent to pass, utter, publish or sell as true, any such false, forged or counterfeited coin,  
13 knowing the same to be false, forged or counterfeited, with intent to defraud any person  
14 whatsoever, every person so offending shall be punished as a Class ~~H~~I felon."

15 ~~—~~**POSSESSING TOOLS FOR COUNTERFEITING**

16 Sec. 5. G.S. 14-14 reads as rewritten:

17 "**§ 14-14. Possessing tools for counterfeiting.**

18 If any person shall have in his possession any instrument for the purpose of making  
19 any counterfeit similitude or likeness of a Spanish milled dollar, or other coin made of  
20 gold or silver which is in common use and received in discharge of contracts by the  
21 citizens of the State, and shall be duly convicted thereof, the person so offending shall  
22 be punished as a Class ~~H~~I felon."

23 ~~—~~**ASSAULT ON EXECUTIVE OR LEGISLATIVE OFFICER**

24 Sec. 6. G.S. 14-16.6 reads as rewritten:

25 "**§ 14-16.6. Assault on executive or legislative officer.**

26 (a) Any person who assaults any legislative officer named in G.S. 147-2(1), (2),  
27 or (3) or any executive officer named in G.S. 147-3(c), or any person who makes a  
28 violent attack upon the residence, office, temporary accommodation or means of  
29 transport of any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive  
30 officer named in G.S. 147-3(c) in a manner likely to endanger such legislative officer or  
31 executive officer, shall be guilty of a felony and shall be punished as a Class ~~H~~I felon.

32 (b) Any person who commits an offense under subsection (a) and uses a deadly  
33 weapon in the commission of that offense shall be punished as a Class ~~G~~F felon.

34 (c) Any person who commits an offense under subsection (a) and inflicts serious  
35 bodily injury to any legislative officer named in G.S. 147-2(1), (2), or (3) or any  
36 executive officer as named in G.S. 147-3(c) shall be punished as a Class F felon."

37 ~~—~~**THREATS AGAINST OFFICERS**

38 Sec. 7. G.S. 14-16.7 reads as rewritten:

39 "**§ 14-16.7. Threats against executive or legislative officers.**

40 (a) Any person who knowingly and willfully makes any threat to inflict serious  
41 bodily injury upon or to kill any legislative officer named in G.S. 147-2(1), (2), or (3) or  
42 any executive official as named in G.S. 147-3(c), shall be guilty of a felony and shall be  
43 punished as a Class ~~J~~I felon.

1 (b) Any person who knowingly and willfully deposits for conveyance in the mail  
2 any letter, writing, or other document containing a threat to inflict serious bodily injury  
3 upon or to kill any legislative officer named in G.S. 147-2(1), (2), or (3) or any  
4 executive official named in G.S. 147-3(c), shall be guilty of a felony and shall be  
5 punished as a Class ~~H~~I felon."

6 **—MURDER IN THE FIRST AND SECOND DEGREE**

7 Sec. 8. G.S. 14-17 reads as rewritten:

8 **"§ 14-17. Murder in the first and second degree defined; punishment.**

9 A murder which shall be perpetrated by means of poison, lying in wait,  
10 imprisonment, starving, torture, or by any other kind of willful, deliberate, and  
11 premeditated killing, or which shall be committed in the perpetration or attempted  
12 perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other  
13 felony committed or attempted with the use of a deadly weapon shall be deemed to be  
14 murder in the first degree, a Class A felony, and any person who commits such murder  
15 shall be punished with death or imprisonment in the State's prison for life as the court  
16 shall determine pursuant to G.S. 15A-2000, except that any such person who was under  
17 17 years of age at the time of the murder shall be punished with imprisonment in the  
18 State's prison for life. Provided, however, any person under the age of 17 who commits  
19 murder in the first degree while serving a prison sentence imposed for a prior murder or  
20 while on escape from a prison sentence imposed for a prior murder shall be punished  
21 with death or imprisonment in the State's prison for life as the court shall determine  
22 pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be  
23 proximately caused by the unlawful distribution of opium or any synthetic or natural  
24 salt, compound, derivative, or preparation of opium, or cocaine or other substance  
25 described in G.S. 90-90(a)4., when the ingestion of such substance causes the death of  
26 the user, shall be deemed murder in the second degree, and any person who commits  
27 such murder shall be punished as a Class ~~C~~B felon."

28 **—PUNISHMENT FOR MANSLAUGHTER**

29 Sec. 9. G.S. 14-18 reads as rewritten:

30 **"§ 14-18. Punishment for manslaughter.**

31 Voluntary manslaughter shall be punishable as a Class ~~F~~E felony, and involuntary  
32 manslaughter shall be punishable as a Class ~~H~~F felony."

33 **—CONSPIRACY OR SOLICITATION TO COMMIT MURDER**

34 Sec. 10. G.S. 14-18.1 reads as rewritten:

35 **"§ 14-18.1. Conspiracy or solicitation to commit murder; conspiracy or solicitation  
36 to commit murder of a law enforcement officer, State official, juror or  
37 witness; punishments.**

38 (a) Conspiracy to commit murder or solicitation to commit murder is a Class ~~E~~C  
39 felony.

40 (b) Conspiracy to commit murder or solicitation to commit murder of a law  
41 enforcement officer, judge or justice, former judge or justice, prosecutor or former  
42 prosecutor, juror or former juror or witness or former witness against the defendant  
43 while engaged in the performance of his official duties or because of the exercise of his  
44 official duties, is a Class ~~D~~C felony."

1 **—KILLING ADVERSARY IN DUEL**

2 Sec. 11. G.S. 14-20 reads as rewritten:

3 **"§ 14-20. Killing adversary in duel; aiders and abettors declared accessories.**

4 If any person fight a duel in consequence of a challenge sent or received, and either  
5 of the parties shall be killed, then the survivor, on conviction thereof, shall be punished  
6 as a Class ~~C~~B felon. All their aiders and abettors shall be considered accessories before  
7 the fact.

8 Any person charged with killing an adversary in a duel may enter a plea of guilty to  
9 said charge in the same way and manner and under the conditions and restrictions set  
10 forth in G.S. 15-162.1 relating to pleas of guilty for first degree murder, first degree  
11 burglary, arson and rape."

12 **—SECOND-DEGREE RAPE**

13 Sec. 12. G.S. 14-27.3(b) reads as rewritten:

14 "(b) Any person who commits the offense defined in this section is guilty of a  
15 Class ~~D~~C felony."

16 **—SECOND-DEGREE SEXUAL OFFENSE**

17 Sec. 13. G.S. 14-27.5(b) reads as rewritten:

18 "(b) Any person who commits the offense defined in this section is guilty of a  
19 Class ~~D~~C felony."

20 **—PENALTY FOR ATTEMPT**

21 Sec. 14. G.S. 14-27.6 reads as rewritten:

22 **"§ 14-27.6. Penalty for attempt.**

23 An attempt to commit first-degree rape as defined by G.S. 14-27.2, or an attempt to  
24 commit a first-degree sexual offense as defined by G.S. 14-27.4 is a Class ~~F~~B felony.  
25 An attempt to commit second-degree rape as defined by G.S. 14-27.3, or an attempt to  
26 commit a second-degree sexual offense as defined by G.S. 14-27.5 is a Class ~~H~~E  
27 felony."

28 **—INTERCOURSE AND SEX OFFENSES/CERTAIN VICTIMS**

29 Sec. 15. G.S. 14-27.7 reads as rewritten:

30 **"§ 14-27.7. Intercourse and sexual offenses with certain victims; consent no  
31 defense.**

32 If a defendant who has assumed the position of a parent in the home of a minor  
33 victim engages in vaginal intercourse or a sexual act with a victim who is a minor  
34 residing in the home, or if a person having custody of a victim of any age or a person  
35 who is an agent or employee of any person, or institution, whether such institution is  
36 private, charitable, or governmental, having custody of a victim of any age engages in  
37 vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class ~~G~~  
38 E felony. Consent is not a defense to a charge under this section."

39 **—MALICIOUS CASTRATION**

40 Sec. 16. G.S. 14-28 reads as rewritten:

41 **"§ 14-28. Malicious castration.**

42 If any person, of malice aforethought, shall unlawfully castrate any other person, or  
43 cut off, maim or disfigure any of the privy members of any person, with intent to

1 murder, maim, disfigure, disable or render impotent such person, the person so  
2 offending shall be punished as a Class ~~D~~C felon."

3 **—CASTRATION OR OTHER MAIMING WITHOUT MALICE**

4 Sec. 17. G.S. 14-29 reads as rewritten:

5 **"§ 14-29. Castration or other maiming without malice aforethought.**

6 If any person shall, on purpose and unlawfully, but without malice aforethought, cut,  
7 or slit the nose, bite or cut off the nose, or a lip or an ear, or disable any limb or member  
8 of any other person, or castrate any other person, or cut off, maim or disfigure any of the  
9 privy members of any other person, with intent to kill, maim, disfigure, disable or  
10 render impotent such person, the person so offending shall be punished as a Class ~~H~~E  
11 felon."

12 **—MALICIOUS MAIMING**

13 Sec. 18. G.S. 14-30 reads as rewritten:

14 **"§ 14-30. Malicious maiming.**

15 If any person shall, of malice aforethought, unlawfully cut out or disable the tongue  
16 or put out an eye of any other person, with intent to murder, maim or disfigure, the  
17 person so offending, his counselors, abettors and aiders, knowing of and privy to the  
18 offense, shall be punished as a Class ~~H~~C felon."

19 **—MALICIOUS THROWING OF CORROSIVE ACID**

20 Sec. 19. G.S. 14-30.1 reads as rewritten:

21 **"§ 14-30.1. Malicious throwing of corrosive acid or alkali.**

22 If any person shall, of malice aforethought, knowingly and willfully throw or cause  
23 to be thrown upon another person any corrosive acid or alkali with intent to murder,  
24 maim or disfigure and inflicts serious injury not resulting in death, he shall be punished  
25 as a Class ~~H~~E felon."

26 **—MALICIOUSLY ASSAULTING IN A SECRET MANNER**

27 Sec. 20. G.S. 14-31 reads as rewritten:

28 **"§ 14-31. Maliciously assaulting in a secret manner.**

29 If any person shall in a secret manner maliciously commit an assault and battery  
30 with any deadly weapon upon another by waylaying or otherwise, with intent to kill  
31 such other person, notwithstanding the person so assaulted may have been conscious of  
32 the presence of his adversary, he shall be punished as a Class ~~F~~E felon."

33 **—FELONIOUS ASSAULT WITH DEADLY WEAPON/ INTENT TO KILL**

34 Sec. 21. G.S. 14-32 reads as rewritten:

35 **"§ 14-32. Felonious assault with deadly weapon with intent to kill or inflicting  
36 serious injury; punishments.**

37 (a) Any person who assaults another person with a deadly weapon with intent to  
38 kill and inflicts serious injury shall be punished as a Class ~~F~~C felon.

39 (b) Any person who assaults another person with a deadly weapon and inflicts  
40 serious injury shall be punished as a Class ~~H~~E felon.

41 (c) Any person who assaults another person with a deadly weapon with intent to  
42 kill shall be punished as a Class ~~H~~E felon."

43 **—ASSAULTS ON HANDICAPPED PERSONS; PUNISHMENTS**

44 Sec. 22. G.S. 14-32.1 reads as rewritten:

1 **"§ 14-32.1. Assaults on handicapped persons; punishments.**

2 (a) For purposes of this section, a 'handicapped person' is a person who has:

3 (1) A physical or mental disability, such as decreased use of arms or legs,  
4 blindness, deafness, mental retardation or mental illness; or

5 (2) Infirmary

6 which would substantially impair that person's ability to defend himself.

7 (b) Any person who assaults a handicapped person with a deadly weapon with  
8 intent to kill and inflicts serious injury is guilty of a Class ~~F-C~~ felony.

9 (c) Any person who assaults a handicapped person with a deadly weapon and  
10 inflicts serious injury is guilty of a Class ~~G-E~~ felony.

11 (d) Any person who assaults a handicapped person with a deadly weapon with  
12 intent to kill is guilty of a Class ~~G-E~~ felony.

13 (e) Unless his conduct is covered under some other provision of law providing  
14 greater punishment, any person who commits any aggravated assault or assault and  
15 battery on a handicapped person is guilty of a Class ~~F-F~~ felony. A person commits an  
16 aggravated assault or assault and battery upon a handicapped person if, in the course of  
17 the assault or assault and battery, that person:

18 (1) Uses a deadly weapon or other means of force likely to inflict serious  
19 injury or serious damage to a handicapped person; or

20 (2) Inflicts serious injury or serious damage to a handicapped person; or

21 (3) Intends to kill a handicapped person.

22 (f) Any person who commits a simple assault or battery upon a handicapped  
23 person is guilty of a misdemeanor punishable by a fine, imprisonment for not more than  
24 one year, or both."

25 **—ASSAULTS, BATTERIES, AND AFFRAYS**

26 Sec. 23. G.S. 14-33 reads as rewritten:

27 **"§ 14-33. ~~Misdemeanor assaults,~~ Assaults, batteries, and affrays, simple and**  
28 **aggravated; punishments.**

29 (a) Any person who commits a simple assault or a simple assault and battery or  
30 participates in a simple affray is guilty of a Class 2 misdemeanor ~~punishable by a fine~~  
31 ~~not to exceed fifty dollars (\$50.00) or imprisonment for not more than 30 days.~~  
32 misdemeanor.

33 (b) Unless his conduct is covered under some other provision of law providing  
34 greater punishment, any person who commits any assault, assault and battery, or affray  
35 is guilty of a Class 1 misdemeanor ~~punishable by a fine, imprisonment for not more than~~  
36 ~~two years, or both such fine and imprisonment~~ if, in the course of the assault, assault  
37 and battery, or affray, he:

38 (1) ~~Inflicts, or attempts to inflict, serious injury upon another person or~~  
39 ~~uses a deadly weapon; or~~

40 (2) Assaults a female, he being a male person at least 18 years of age; or

41 (3) Assaults a child under the age of 12 ~~years; or years.~~

42 (4) to (7). Repealed by Session Laws 1991, c. 525, s. 1.

1           (8) ~~Assaults an officer or employee of the State or of any political~~  
 2           ~~subdivision of the State, when the officer or employee is discharging~~  
 3           ~~or attempting to discharge his official duties.~~

4           (c) Unless the conduct is covered under some other provision of law providing  
 5 greater punishment, any persons who commits any assault, assault and battery, or  
 6 affray, and:

7           (1) Inflicts, or attempts to inflict, serious injury upon another person is  
 8           guilty of a Class H felony;

9           (2) Uses a deadly weapon is guilty of a Class I felony; or

10          (3) Assaults an officer or employee of the State or of any political  
 11 subdivision of the State, when the officer or employee is discharging  
 12 or attempting to discharge his official duties is guilty of a Class I  
 13 felony."

14 **---PATIENT ABUSE AND NEGLECT**

15           Sec. 24. G.S. 14-32.2(b) reads as rewritten:

16          "(b) Unless the conduct is prohibited by some other provision of law providing for  
 17 greater punishment.

18          (1) Any person who violates subsection (a) above is guilty of a Class C  
 19 felony where intentional conduct proximately causes the death of the  
 20 patient or resident;

21          (2) Any person who violates subsection (a) above is guilty of a Class ~~G~~E  
 22 felony where culpably negligent conduct proximately causes the death  
 23 of the patient or resident;

24          (3) Any person who violates subsection (a) above is guilty of a Class ~~H~~F  
 25 felony where such conduct proximately causes serious bodily injury to  
 26 the patient or resident."

27 **---ASSAULTING BY POINTING GUN**

28           Sec. 25. G.S. 14-34 reads as rewritten:

29 **"§ 14-34. Assaulting by pointing gun.**

30           If any person shall point any gun or pistol at any person, either in fun or otherwise,  
 31 whether such gun or pistol be loaded or not loaded, ~~he shall be guilty of an assault, and~~  
 32 ~~upon conviction of the same shall be punishable by a fine not to exceed five hundred~~  
 33 ~~dollars (\$500.00), imprisonment not to exceed six months, or both such fine and~~  
 34 ~~imprisonment.~~ that person is guilty of a Class I felony."

35 **---DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY**

36           Sec. 26. G.S. 14-34.1 reads as rewritten:

37 **"§ 14-34.1. Discharging certain barreled weapons or a firearm into occupied**  
 38 **property.**

39           Any person who willfully or wantonly discharges or attempts to discharge:

40          (1) Any barreled weapon capable of discharging shot, bullets, pellets, or  
 41 other missiles at a muzzle velocity of at least 600 feet per second; or

42          (2) A firearm into any building, structure, vehicle, aircraft, watercraft, or  
 43 other conveyance, device, equipment, erection, or enclosure while it is  
 44 occupied is guilty of a Class ~~H~~E felony."

1 **—ASSAULT WITH A FIREARM OR DEADLY WEAPON**

2 Sec. 27. G.S. 14-34.2 reads as rewritten:

3 **"§ 14-34.2. Assault with a firearm or other deadly weapon upon governmental**  
4 **officers or employees.**

5 Any person who commits an assault with a firearm or any other deadly weapon upon  
6 an officer or employee of the State or of any political subdivision of the State in the  
7 performance of his duties shall be guilty of a Class ~~F~~F felony."

8 **—KIDNAPPING.**

9 Sec. 28. G.S. 14-39(b) reads as rewritten:

10 "(b) There shall be two degrees of kidnapping as defined by subsection (a). If the  
11 person kidnapped either was not released by the defendant in a safe place or had been  
12 seriously injured or sexually assaulted, the offense is kidnapping in the first degree and  
13 is punishable as a Class ~~D~~C felony. If the person kidnapped was released in a safe place  
14 by the defendant and had not been seriously injured or sexually assaulted, the offense is  
15 kidnapping in the second degree and is punishable as a Class E felony."

16 **—ABDUCTION OF CHILDREN**

17 Sec. 29. G.S. 14-41 reads as rewritten:

18 **"§ 14-41. Abduction of children.**

19 If anyone shall abduct or by any means induce any child under the age of fourteen  
20 years, who shall reside with its father, mother, uncle, aunt, brother or elder sister, or  
21 shall reside at a school, or be an orphan and reside with a guardian, to leave such person  
22 or school, he shall be punished as a Class ~~G~~F felon."

23 **—ABDUCTION OF MARRIED WOMEN**

24 Sec. 30. G.S. 14-43 reads as rewritten:

25 **"§ 14-43. Abduction of married women.**

26 If any male person shall abduct or elope with the wife of another, he shall be  
27 punished as a Class ~~H~~I felon: Provided, that the woman, since her marriage, has been  
28 an innocent and virtuous woman: Provided further, that no conviction shall be had upon  
29 the unsupported testimony of any such married woman."

30 **—INVOLUNTARY SERVITUDE**

31 Sec. 31. G.S. 14-43.2(b) reads as rewritten:

32 "(b) It is unlawful to knowingly and willfully:

- 33 (1) Hold another in involuntary servitude, or  
34 (2) Entice, persuade or induce another to go to another place with the  
35 intent that the other be held in involuntary servitude.

36 A person violating this subsection shall be guilty of a Class ~~F~~F felony."

37 **—FELONIOUS RESTRAINT**

38 Sec. 32. G.S. 14-43.3 reads as rewritten:

39 **"§ 14-43.3. Felonious restraint.**

40 A person commits the offense of felonious restraint if he unlawfully restrains  
41 another person without that person's consent, or the consent of the person's parent or  
42 legal custodian if the person is less than 16 years old, and moves the person from the  
43 place of the initial restraint by transporting him in a motor vehicle or other conveyance.



1 Violation of this section is a Class ~~J~~F felony. Felonious restraint is considered a lesser  
2 included offense of kidnapping."

3 **—CONCEALING BIRTH OF CHILD**

4 Sec. 33. G.S. 14-46 reads as rewritten:

5 **"§ 14-46. Concealing birth of child.**

6 If any person shall, by secretly burying or otherwise disposing of the dead body of a  
7 newborn child, endeavor to conceal the birth of such child, such person shall be  
8 punished as a Class ~~H~~I felon. Any person aiding, counseling or abetting any other  
9 person in concealing the birth of a child in violation of this statute shall be guilty of a  
10 misdemeanor."

11 **—MALICIOUS USE OF EXPLOSIVE OR INCENDIARY; ATTEMPT**

12 Sec. 34. G.S. 14-49 reads as rewritten:

13 **"§ 14-49. Malicious use of explosive or incendiary; attempt; punishment.**

14 (a) Any person who willfully and maliciously injures or attempts to injure  
15 another by the use of any explosive or incendiary device or material is guilty of a Class  
16 D felony.

17 (b) Any person who willfully and maliciously damages or attempts to damage  
18 any real or personal property of any kind or nature belonging to another by the use of  
19 any explosive or incendiary device or material is guilty of a Class G felony.

20 ~~(c) Any person who violates any provision of this section shall be punished as a~~  
21 ~~Class E felon."~~

22 **—MALICIOUS DAMAGE OF OCCUPIED PROPERTY BY USE OF**  
23 **EXPLOSIVE**

24 Sec. 35. G.S. 14-49.1 reads as rewritten:

25 **"§ 14-49.1. Malicious damage of occupied property by use of explosive or**  
26 **incendiary; attempt; punishment.**

27 Any person who willfully and maliciously damages or attempts to damage any real  
28 or personal property of any kind or nature, being at the time occupied by another, by the  
29 use of any explosive or incendiary device or material is guilty of a felony punishable as  
30 a Class ~~E~~D felony."

31 **—CONSPIRACY TO INJURE OR DAMAGE BY USE OF EXPLOSIVE**

32 Sec. 36. G.S. 14-50 reads as rewritten:

33 **"§ 14-50. Conspiracy to injure or damage by use of explosive or incendiary;**  
34 **punishment.**

35 (a) Any person who conspires with another willfully and maliciously to injure  
36 another by the use of any explosive or incendiary device or material is guilty of a Class  
37 E felony.

38 (b) Any person who conspires with another willfully and maliciously to damage  
39 any real or personal property of any kind or nature belonging to another by the use of  
40 any explosive or incendiary device or material is guilty of a Class H felony.

41 ~~(c) Any person who violates any provision of this section shall be punished as a~~  
42 ~~Class G felon."~~

43 **—PUNISHMENT FOR BURGLARY**

44 Sec. 37. G.S. 14-52 reads as rewritten:

1 **"§ 14-52. Punishment for burglary.**

2 Burglary in the first degree shall be punishable as a Class ~~C~~D felony, and burglary  
3 in the second degree shall be punishable as a Class ~~D~~G felony. ~~Notwithstanding any~~  
4 ~~other provision of law, with the exception of persons sentenced as committed youthful~~  
5 ~~offenders, a person convicted of a burglary in the first or second degree shall serve a~~  
6 ~~term of not less than seven years in prison, excluding gain time granted under G.S. 148-~~  
7 ~~13. A person convicted of a burglary in the first or second degree shall receive a~~  
8 ~~sentence of at least 14 years in the State's prison and shall be entitled to credit for good~~  
9 ~~behavior under G.S. 15A-1340.7. The sentencing judge may not suspend the sentence~~  
10 ~~and may not place the person sentenced on probation. Sentences imposed pursuant to~~  
11 ~~this section shall run consecutively with and shall commence at the expiration of any~~  
12 ~~sentence being served by the person sentenced hereunder."~~

13 ~~—~~**PREPARATION TO COMMIT BURGLARY**

14 Sec. 38. G.S. 14-55 reads as rewritten:

15 **"§ 14-55. Preparation to commit burglary or other housebreakings.**

16 If any person shall be found armed with any dangerous or offensive weapon, with  
17 the intent to break or enter a dwelling, or other building whatsoever, and to commit any  
18 felony or larceny therein; or shall be found having in his possession, without lawful  
19 excuse, any picklock, key, bit, or other implement of housebreaking; or shall be found  
20 in any such building, with intent to commit any felony or larceny therein, such person  
21 shall be punished as a Class ~~H~~I felon."

22 ~~—~~**BREAKING INTO OR OPENING COIN MACHINES**

23 Sec. 39. G.S. 14-56.1 reads as rewritten:

24 **"§ 14-56.1. Breaking into or forcibly opening coin- or currency-operated**  
25 **machines.**

26 Any person who forcibly breaks into, or by the unauthorized use of a key or other  
27 instrument opens, any coin- or currency-operated machine with intent to steal any  
28 property or moneys therein shall be guilty of a misdemeanor punishable by fine or  
29 imprisonment or both in the discretion of the court, but if such person has previously  
30 been convicted of violating this section, such person shall be punished as a Class ~~H~~I  
31 felon. The term 'coin- or currency-operated machine' shall mean any coin- or currency-  
32 operated vending machine, pay telephone, telephone coin or currency receptacle, or  
33 other coin- or currency- activated machine or device.

34 There shall be posted on the machines referred to in G.S. 14-56.1 a decal stating that  
35 it is a crime to break into vending machines, and that a second offense is a felony. The  
36 absence of such a decal is not a defense to a prosecution for the crime described in this  
37 section."

38 ~~—~~**BREAKING INTO PAPER CURRENCY MACHINES**

39 Sec. 40. G.S. 14-56.3 reads as rewritten:

40 **"§ 14-56.3. Breaking into paper currency machines.**

41 Any person, who with intent to steal any moneys therein forcibly breaks into any  
42 vending or dispensing machine or device which is operated or activated by the use,  
43 deposit or insertion of United States paper currency, shall be guilty of a misdemeanor,

1 but if such person has previously been convicted of violating this section, such person  
2 shall be punished as a Class ~~H-I~~ felon.

3 There shall be posted on the machines referred to in ~~G.S. 14-56.3~~ this section a decal  
4 stating that it is a crime to break into paper currency machines. The absence of such a  
5 decal is not a defense to a prosecution for the crime described in this section."

6 **—BURGLARY WITH EXPLOSIVES**

7 Sec. 41. G.S. 14-57 reads as rewritten:

8 **"§ 14-57. Burglary with explosives.**

9 Any person who, with intent to commit any felony or larceny therein, breaks and  
10 enters, either by day or by night, any building, whether inhabited or not, and opens or  
11 attempts to open any vault, safe, or other secure place by use of nitroglycerine,  
12 dynamite, gunpowder, or any other explosive, or acetylene torch, shall be deemed guilty  
13 of burglary with explosives. Any person convicted under this section shall be punished  
14 as a Class ~~E-D~~ felon."

15 **—PUNISHMENT FOR ARSON**

16 Sec. 42. G.S. 14-58 reads as rewritten:

17 **"§ 14-58. Punishment for arson.**

18 There shall be two degrees of arson as defined at the common law. If the dwelling  
19 burned was occupied at the time of the burning, the offense is arson in the first degree  
20 and is punishable as a Class ~~E-D~~ felony. If the dwelling burned was unoccupied at the  
21 time of the burning, the offense is arson in the second degree and is punishable as a  
22 Class ~~D-G~~ felony."

23 **—BURNING OF CERTAIN PUBLIC BUILDINGS**

24 Sec. 43. G.S. 14-59 reads as rewritten:

25 **"§ 14-59. Burning of certain public buildings.**

26 If any person shall wantonly and willfully set fire to or burn or cause to be burned or  
27 aid, counsel or procure the burning of, the State Capitol, the Legislative Building, the  
28 Justice Building or any building owned or occupied by the State or any of its agencies,  
29 institutions or subdivisions or by any county, incorporated city or town or other  
30 governmental or quasi-governmental entity, he shall be punished as a Class ~~E-F~~ felon."

31 **—BURNING OF SCHOOLHOUSES**

32 Sec. 44. G.S. 14-60 reads as rewritten:

33 **"§ 14-60. Burning of schoolhouses or buildings of educational institutions.**

34 If any person shall wantonly and willfully set fire to or burn or cause to be burned or  
35 aid, counsel or procure the burning of, any schoolhouse or building owned, leased or  
36 used by any public or private school, college or educational institution, he shall be  
37 punished as a Class ~~E-F~~ felon."

38 **—BURNING OF CERTAIN BRIDGES AND BUILDINGS**

39 Sec. 45. G.S. 14-61 reads as rewritten:

40 **"§ 14-61. Burning of certain bridges and buildings.**

41 If any person shall wantonly and willfully set fire to or burn or cause to be burned,  
42 or aid, counsel or procure the burning of, any public bridge, or private toll bridge, or the  
43 bridge of any incorporated company, or any fire-engine house or rescue-squad building,  
44 or any house belonging to an incorporated company or unincorporated association and

1 used in the business of such company or association, he shall be punished as a Class ~~E-F~~  
2 felon."

3 **—BURNING OF CHURCHES AND CERTAIN OTHER BUILDINGS**

4 Sec. 46. G.S. 14-62 reads as rewritten:

5 **"§ 14-62. Burning of churches and certain other buildings.**

6 If any person shall wantonly and willfully set fire to or burn or cause to be burned,  
7 or aid, counsel or procure the burning of, any uninhabited house, any church, chapel or  
8 meetinghouse, or any stable, coach house, outhouse, warehouse, office, shop, mill, barn  
9 or granary, or any building, structure or erection used or intended to be used in carrying  
10 on any trade or manufacture, or any branch thereof, whether the same or any of them  
11 respectively shall then be in the possession of the offender, or in the possession of any  
12 other person, he shall be punished as a Class ~~E-F~~ felon."

13 **—BURNING OF BUILDING IN PROCESS OF CONSTRUCTION**

14 Sec. 47. G.S. 14-62.1 reads as rewritten:

15 **"§ 14-62.1. Burning of building or structure in process of construction.**

16 If any person shall wantonly and willfully set fire to or burn or cause to be burned,  
17 or aid, counsel or procure the burning of, any building or structure in the process of  
18 construction for use or intended to be used as a dwelling house or in carrying on any  
19 trade or manufacture, or otherwise, whether the same or any of them respectively shall  
20 then be in the possession of the offender, or in the possession of any other person, he  
21 shall be punished as a Class ~~E-H~~ felon."

22 **—MAKING A FALSE REPORT CONCERNING DESTRUCTIVE DEVICE**

23 Sec. 48. G.S. 14-69.1(b) reads as rewritten:

24 "(b) If any person shall, by any means of communication to any person or group  
25 of persons, make a report, knowing or having reason to know the same to be false, that  
26 there is located in any hospital facility as defined in G.S. 131E-6, which includes a  
27 health clinic facility, any device designed to destroy or damage the hospital or health  
28 clinic facility by explosion, blasting, or burning, he shall, upon a first conviction, be  
29 guilty of a misdemeanor, punishable by a minimum of 100 hours of mandatory  
30 community service. Upon a second or subsequent conviction under this subsection, he  
31 shall be guilty of a Class I ~~felony and shall be fined or imprisoned or both in the~~  
32 ~~discretion of the court.~~ felony."

33 **—DISTINCTIONS BETWEEN GRAND AND PETIT LARCENY ABOLISHED**

34 Sec. 49. G.S. 14-70 reads as rewritten:

35 **"§ 14-70. Distinctions between grand and petit larceny abolished; punishment;  
36 accessories to larceny.**

37 All distinctions between petit and grand larceny are abolished. Unless otherwise  
38 provided by statute, larceny is a Class H felony ~~punishable under G.S. 14-2~~ and is  
39 subject to the same rules of criminal procedure and principles of law as to accessories  
40 before and after the fact as other felonies."

41 **—RECEIVING STOLEN GOODS**

42 Sec. 50. G.S. 14-71 reads as rewritten:

43 **"§ 14-71. Receiving stolen goods.**

1 If any person shall receive any chattel, property, money, valuable security or other  
2 thing whatsoever, the stealing or taking whereof amounts to larceny or a felony, either  
3 at common law or by virtue of any statute made or hereafter to be made, such person  
4 knowing or having reasonable grounds to believe the same to have been feloniously  
5 stolen or taken, he shall be guilty of a ~~criminal offense, Class H felony,~~ and may be  
6 indicted and convicted, whether the felon stealing and taking such chattels, property,  
7 money, valuable security or other thing, shall or shall not have been previously  
8 convicted, or shall or shall not be amenable to justice; and any such receiver may be  
9 dealt with, indicted, tried and punished in any county in which he shall have, or shall  
10 have had, any such property in his possession or in any county in which the thief may be  
11 tried, in the same manner as such receiver may be dealt with, indicted, tried and  
12 punished in the county where he actually received such chattel, money, security, or  
13 other thing; and such receiver shall be punished as one convicted of larceny."

14 **—POSSESSING STOLEN GOODS**

15 Sec. 51. G.S. 14-71.1 reads as rewritten:

16 **"§ 14-71.1. Possessing stolen goods.**

17 If any person shall possess any chattel, property, money, valuable security or other  
18 thing whatsoever, the stealing or taking whereof amounts to larceny or a felony, either  
19 at common law or by virtue of any statute made or hereafter to be made, such person  
20 knowing or having reasonable grounds to believe the same to have been feloniously  
21 stolen or taken, he shall be guilty of a ~~criminal offense, Class H felony,~~ and may be  
22 indicted and convicted, whether the felon stealing and taking such chattels, property,  
23 money, valuable security or other thing shall or shall not have been previously  
24 convicted, or shall or shall not be amenable to justice; and any such possessor may be  
25 dealt with, indicted, tried and punished in any county in which he shall have, or shall  
26 have had, any such property in his possession or in any county in which the thief may be  
27 tried, in the same manner as such possessor may be dealt with, indicted, tried and  
28 punished in the county where he actually possessed such chattel, money, security, or  
29 other thing; and such possessor shall be punished as one convicted of larceny."

30 **—UNAUTHORIZED USE OF AN AIRCRAFT**

31 Sec. 52. G.S. 14-72.2(b) reads as rewritten:

32 "(b) Unauthorized use of an aircraft is a Class ~~I~~H felony. All other unauthorized  
33 use of a motor-propelled conveyance is a misdemeanor punishable by a fine,  
34 imprisonment not to exceed two years, or both, in the discretion of the court."

35 **—LARCENY OF CHOSE IN ACTION**

36 Sec. 53. G.S. 14-75 reads as rewritten:

37 **"§ 14-75. Larceny of chose in action.**

38 If any person shall feloniously steal, take and carry away, or take by robbery, any  
39 bank note, check or other order for the payment of money issued by or drawn on any  
40 bank or other society or corporation within this State or within any of the United States,  
41 or any treasury warrant, debenture, certificate of stock or other public security, or  
42 certificate of stock in any corporation, or any order, bill of exchange, bond, promissory  
43 note or other obligation, either for the payment of money or for the delivery of specific  
44 articles, being the property of any other person, or of any corporation (notwithstanding

1 any of the said particulars may be termed in law a chose in action), ~~such felonious~~  
2 ~~stealing, taking and carrying away, or taking by robbery, shall be a crime of the same~~  
3 ~~nature and degree and in the same manner as it would have been if the offender had~~  
4 ~~feloniously stolen, or taken by robbery money, goods or property of the same value, and~~  
5 ~~the offender for every such offense shall suffer the same punishment and be subject to~~  
6 ~~the same pains, penalties and disabilities as he should or might have suffered if he had~~  
7 ~~feloniously stolen or taken by robbery money, goods or other property of such value.~~  
8 that person is guilty of a Class H felony."

9 **—LARCENY OF UNGATHERED CROPS**

10 Sec. 54. G.S. 14-78 reads as rewritten:

11 **"§ 14-78. Larceny of ungathered crops.**

12 If any person shall steal or feloniously take and carry away any maize, corn, wheat,  
13 rice or other grain, or any cotton, tobacco, potatoes, peanuts, pulse, fruit, vegetable or  
14 other product cultivated for food or market, growing, standing or remaining ungathered  
15 in any field or ground, ~~he shall be guilty of larceny, and shall be punished accordingly,~~  
16 ~~such punishment to include a fine of not less than fifty dollars (\$50.00) nor more than~~  
17 ~~two hundred fifty dollars (\$250.00).~~ that person is guilty of a Class H felony."

18 **—LARCENY OF GINSENG**

19 Sec. 55. G.S. 14-79 reads as rewritten:

20 **"§ 14-79. Larceny of ginseng.**

21 If any person shall take and carry away, or shall aid in taking or carrying away, any  
22 ginseng growing upon the lands of another person, with intent to steal the same, he shall  
23 be punished as a Class ~~F~~H felon: Provided, that such ginseng, at the time the same is  
24 taken, shall be in beds and the land upon which such beds are located shall be  
25 surrounded by a lawful fence."

26 **—LARCENY OF WOOD AND PROPERTY FROM LAND**

27 Sec. 56. G.S. 14-80 reads as rewritten:

28 **"§ 14-80. Larceny of wood and other property from land.**

29 If any person, not being the present owner or bona fide claimant thereof, shall  
30 willfully and unlawfully enter upon the lands of another, carrying off or being engaged  
31 in carrying off any wood or other kind of property whatsoever, growing or being  
32 thereon, the same being the property of the owner of the premises, or under his control,  
33 keeping or care, such person shall, if the act be done with felonious intent, be guilty of  
34 ~~larceny, and punished as for that offense; a Class H felony;~~ and if not done with such  
35 intent, he shall be guilty of a misdemeanor."

36 **—LARCENY OF DOGS**

37 Sec. 57. G.S. 14-81(a1) reads as rewritten:

38 "(a1) Larceny of a dog is a Class ~~J~~I felony."

39 **—PURSUING OR INJURING LIVESTOCK WITH INTENT TO STEAL**

40 Sec. 58. G.S. 14-85 reads as rewritten:

41 **"§ 14-85. Pursuing or injuring livestock with intent to steal.**

42 If any person shall pursue, kill or wound any horse, mule, ass, jennet, cattle, hog,  
43 sheep or goat, the property of another, with the intent unlawfully and feloniously to  
44 convert the same to his own use, he shall be guilty of a Class H felony, and shall be

1 punishable, in all respects, as if convicted of larceny, though such animal may not have  
2 come into the actual possession of the person so offending."

3 **—ROBBERY WITH FIREARMS OR OTHER DANGEROUS WEAPONS**

4 Sec. 59. G.S. 14-87(d) is repealed.

5 **—PUNISHMENT FOR COMMON-LAW ROBBERY AND ATTEMPT**

6 Sec. 60. G.S. 14-87.1 reads as rewritten:

7 **"§ 14-87.1. Punishment for common-law robbery and attempted common-law**  
8 **robbery.**

9 Robbery and attempted robbery as defined at common law, other than robbery with a  
10 firearm or other dangerous weapon as defined by G.S. 14-87, shall be punishable as a  
11 Class ~~H~~G felony."

12 **—TRAIN ROBBERY**

13 Sec. 61. G.S. 14-88 reads as rewritten:

14 **"§ 14-88. Train robbery.**

15 If any person shall enter upon any locomotive engine or car on any railroad in this  
16 State, and by threats, the exhibition of deadly weapons or the discharge of any pistol or  
17 gun, in or near any such engine or car, shall induce or compel any person on such  
18 engine or car to submit and deliver up, or allow to be taken therefrom, or from him,  
19 anything of value, he shall be guilty of train robbery, and on conviction thereof shall be  
20 punished as a Class ~~F~~D felon."

21 **—ATTEMPTED TRAIN ROBBERY**

22 Sec. 62. G.S. 14-89 reads as rewritten:

23 **"§ 14-89. Attempted train robbery.**

24 If any person shall stop, or cause to be stopped, or impede, or cause to be impeded,  
25 or conspire with others for that purpose, any locomotive engine or car on any railroad in  
26 this State, by intimidation of those in charge thereof or by force, threats or otherwise,  
27 for the purpose of taking therefrom or causing to be delivered up to such person so  
28 forcing, threatening or intimidating, anything of value, to be appropriated to his own  
29 use, he shall be guilty of attempting train robbery, and, on conviction thereof, shall be  
30 punished as a Class ~~F~~D felon."

31 **—SAFE CRACKING**

32 Sec. 63. G.S. 14-89.1(c) reads as rewritten:

33 "(c) Safecracking shall be punishable as a Class ~~H~~I felony."

34 **—EMBEZZLEMENT OF FUNDS BY PUBLIC OFFICERS AND TRUSTEES**

35 Sec. 64. G.S. 14-92 reads as rewritten:

36 **"§ 14-92. Embezzlement of funds by public officers and trustees.**

37 If an officer, agent, or employee of an entity listed below, or a person having or  
38 holding money or property in trust for one of the listed entities, shall embezzle or  
39 otherwise willfully and corruptly use or misapply the same for any purpose other than  
40 that for which such moneys or property is held, such person shall be punished as a Class  
41 ~~H~~F felon. If any clerk of the superior court or any sheriff, treasurer, register of deeds or  
42 other public officer of any county, unit or agency of local government, or local board of  
43 education shall embezzle or wrongfully convert to his own use, or corruptly use, or shall  
44 misapply for any purpose other than that for which the same are held, or shall fail to pay

1 over and deliver to the proper persons entitled to receive the same when lawfully  
2 required so to do, any moneys, funds, securities or other property which such officer  
3 shall have received by virtue or color of his office in trust for any person or corporation,  
4 such officer shall be punished as a Class ~~H-F~~ felon. The provisions of this section shall  
5 apply to all persons who shall go out of office and fail or neglect to account to or deliver  
6 over to their successors in office or other persons lawfully entitled to receive the same  
7 all such moneys, funds and securities or property aforesaid. The following entities are  
8 protected by this section: a county, a city or other unit or agency of local government, a  
9 local board of education, and a penal, charitable, religious, or educational institution."

10 **—EMBEZZLEMENT BY TREASURERS OF CHARITIES**

11 Sec. 65. G.S. 14-93 reads as rewritten:

12 **"§ 14-93. Embezzlement by treasurers of charitable and religious organizations.**

13 If any treasurer or other financial officer of any benevolent or religious institution,  
14 society or congregation shall lend any of the moneys coming into his hands to any other  
15 person or association without the consent of the institution, association or congregation  
16 to whom such moneys belong; or, if he shall fail to account for such moneys when  
17 called on, he shall be guilty of a ~~misdemeanor, and shall be punished by fine or~~  
18 ~~imprisonment, or both, in the discretion of the court.~~ Class H felony."

19 **—CONSPIRING WITH OFFICERS OF RAILROAD**

20 Sec. 66. G.S. 14-95 reads as rewritten:

21 **"§ 14-95. Conspiring with officers of railroad companies to embezzle.**

22 If any person shall agree, combine, collude or conspire with the president, secretary,  
23 treasurer, director, engineer or agent of any railroad company to commit any offense  
24 specified in G.S. 14-94, such person so offending shall be guilty of a felony, and on  
25 conviction in the superior or criminal court of a county through which the railroad of  
26 any company against which such offense may be perpetrated passes, shall be punished  
27 as a Class ~~H-I~~ felon."

28 **—APPROPRIATION OF PARTNERSHIP FUNDS BY PARTNER**

29 Sec. 67. G.S. 14-97 reads as rewritten:

30 **"§ 14-97. Appropriation of partnership funds by partner to personal use.**

31 Any person engaged in a partnership business in the State of North Carolina who  
32 shall, without the knowledge and consent of his copartner or copartners, take funds  
33 belonging to the partnership business and appropriate the same to his own personal use  
34 with the fraudulent intent of depriving his copartners of the use thereof, shall be guilty  
35 of a ~~misdemeanor. Any person or persons violating the provisions of this section, upon~~  
36 ~~conviction, shall be punished as is now done in cases of misdemeanor.~~ Class H felony."

37 **—EMBEZZLEMENT OF TAXES BY OFFICERS**

38 Sec. 68. G.S. 14-99 reads as rewritten:

39 **"§ 14-99. Embezzlement of taxes by officers.**

40 If any officer appropriates to his own use the State, county, school, city or town  
41 taxes, he shall be guilty of embezzlement, and shall be punished as a Class ~~F~~ felon."

42 **—OBTAINING SIGNATURES BY FALSE PRETENSES**

43 Sec. 69. G.S. 14-101 reads as rewritten:

44 **"§ 14-101. Obtaining signatures by false pretenses.**



1 If any person, with intent to defraud or cheat another, shall designedly, by color of  
2 any false token or writing, or by any other false pretense, obtain the signature of any  
3 person to any written instrument, the false making of which would be punishable as  
4 forgery, he shall be punished as a Class I-H felon."

5 **—WORTHLESS CHECKS**

6 Sec. 70. G.S. 14-107 reads as rewritten:

7 **"§ 14-107. Worthless checks.**

8 It shall be unlawful for any person, firm or corporation, to draw, make, utter or issue  
9 and deliver to another, any check or draft on any bank or depository, for the payment of  
10 money or its equivalent, knowing at the time of the making, drawing, uttering, issuing  
11 and delivering such check or draft as aforesaid, that the maker or drawer thereof has not  
12 sufficient funds on deposit in or credit with such bank or depository with which to pay  
13 the same upon presentation.

14 It shall be unlawful for any person, firm or corporation to solicit or to aid and abet  
15 any other person, firm or corporation to draw, make, utter or issue and deliver to any  
16 person, firm or corporation, any check or draft on any bank or depository for the  
17 payment of money or its equivalent, being informed, knowing or having reasonable  
18 grounds for believing at the time of the soliciting or the aiding and abetting that the  
19 maker or the drawer of the check or draft has not sufficient funds on deposit in, or credit  
20 with, such bank or depository with which to pay the same upon presentation.

21 The word 'credit' as used herein shall be construed to mean an arrangement or  
22 understanding with the bank or depository for the payment of any such check or draft.

23 A violation of this section shall be a Class J-I felony if the amount of the check or  
24 draft is more than two thousand dollars (\$2,000). If the amount of the check or draft is  
25 two thousand dollars (\$2,000) or less, a violation of this section shall be a misdemeanor  
26 punishable as follows:

27 (1) If the amount of the check or draft is not over one hundred dollars  
28 (\$100.00), the punishment shall be by a fine not to exceed fifty dollars  
29 (\$50.00) or imprisonment for not more than 30 days. Provided,  
30 however, if such person has been convicted three times of violating  
31 G.S. 14-107, he shall on the fourth and all subsequent convictions (i)  
32 be punished in the discretion of the district or superior court as for a  
33 general misdemeanor and (ii) be ordered, as a condition of probation,  
34 to refrain from maintaining a checking account or making or uttering a  
35 check for three years.

36 (2) If the amount of the check or draft is over one hundred dollars  
37 (\$100.00), the punishment shall be by a fine not to exceed two hundred  
38 fifty dollars (\$250.00) or imprisonment for not more than six months,  
39 or both. Provided, however, if such person has been convicted three  
40 times of violating G.S. 14-107, he shall on the fourth and all  
41 subsequent convictions (i) be punished in the discretion of the district  
42 or superior court as for a general misdemeanor and (ii) be ordered, as a  
43 condition of probation, to refrain from maintaining a checking account  
44 or making or uttering a check for three years.

1 (3) If the check or draft is drawn upon a nonexistent account, the  
2 punishment shall be by a fine not to exceed one thousand dollars  
3 (\$1,000) or imprisonment for not more than two years, or both.

4 (4) If the check or draft is drawn upon an account that has been closed by  
5 the drawer prior to time the check is drawn, the punishment shall be a  
6 fine not to exceed four hundred dollars (\$400.00) or imprisonment for  
7 not more than five months or both.

8 In deciding to impose any sentence other than an active prison sentence, the  
9 sentencing judge shall consider and may require, in accordance with the provisions of  
10 G.S. 15A-1343, restitution to the victim for the amount of the check or draft and each  
11 prosecuting witness (whether or not under subpoena) shall be entitled to a witness fee as  
12 provided by G.S. 7A-314 which shall be taxed as part of the cost and assessed to the  
13 defendant."

#### 14 ~~—~~**FINANCIAL TRANSACTION CARDS**

15 Sec. 71. G.S. 14-113.17(b) reads as rewritten:

16 "(b) A crime punishable under this ~~subsection~~Article is punishable as a Class ~~J-I~~  
17 felony."

#### 18 ~~—~~**EXTORTION**

19 Sec. 72. G.S. 14-118.4 reads as rewritten:

##### 20 "**§ 14-118.4. Extortion.**

21 Any person who threatens or communicates a threat or threats to another with the  
22 intention thereby wrongfully to obtain anything of value or any acquittance, advantage,  
23 or immunity is guilty of extortion and such person shall be punished as a Class ~~H-F~~  
24 felon."

#### 25 ~~—~~**UTTERING FORGED PAPER OR INSTRUMENT**

26 Sec. 73. G.S. 14-120 reads as rewritten:

##### 27 "**§ 14-120. Uttering forged paper or instrument containing a forged endorsement.**

28 If any person, directly or indirectly, whether for the sake of gain or with intent to  
29 defraud or injure any other person, shall utter or publish any such false, forged or  
30 counterfeited instrument as is mentioned in G.S. 14-119, or shall pass or deliver, or  
31 attempt to pass or deliver, any of them to another person (knowing the same to be  
32 falsely forged or counterfeited) the person so offending shall be punished as a Class I  
33 felon. If any person, directly or indirectly, whether for the sake of gain or with intent to  
34 defraud or injure any other person, shall falsely make, forge or counterfeit any  
35 endorsement on any instrument described in the preceding section, whether such  
36 instrument be genuine or false, or shall knowingly utter or publish any such instrument  
37 containing a false, forged or counterfeited endorsement or, knowing the same to be  
38 falsely endorsed, shall pass or deliver or attempt to pass or deliver any such instrument  
39 containing a forged endorsement to another person, the person so offending shall be  
40 guilty of a ~~felony and punishable by the same punishment provided in the preceding~~  
41 ~~sentence.~~Class I felony."

#### 42 ~~—~~**SELLING OF CERTAIN FORGED SECURITIES**

43 Sec. 74. G.S. 14-121 reads as rewritten:

##### 44 "**§ 14-121. Selling of certain forged securities.**

1 If any person shall sell, by delivery, endorsement or otherwise, to any other person,  
2 any judgment for the recovery of money purporting to have been rendered by a  
3 magistrate, or any bond, promissory note, bill of exchange, order, draft or liquidated  
4 account purporting to be signed by the debtor (knowing the same to be forged), the  
5 person so offending shall be punished as a Class ~~I~~H felon."

6 **—FORGERY OF DEEDS AND WILLS**

7 Sec. 75. G.S. 14-122 reads as rewritten:

8 **"§ 14-122. Forgery of deeds, wills and certain other instruments.**

9 If any person, of his own head and imagination, or by false conspiracy or fraud with  
10 others, shall wittingly and falsely forge and make, or shall cause or wittingly assent to  
11 the forging or making of, or shall show forth in evidence, knowing the same to be  
12 forged, any deed, lease or will, or any bond, writing obligatory, bill of exchange,  
13 promissory note, endorsement or assignment thereof; or any acquittance or receipt for  
14 money or goods; or any receipt or release for any bond, note, bill or any other security  
15 for the payment of money; or any order for the payment of money or delivery of goods,  
16 with intent, in any of said instances, to defraud any person or corporation, and thereof  
17 shall be duly convicted, the person so offending shall be punished as a Class ~~I~~H felon."

18 **—SETTING FIRE TO GRASS AND BRUHLANDS AND WOODLANDS**

19 Sec. 76. G.S. 14-136 reads as rewritten:

20 **"§ 14-136. Setting fire to grass and brushlands and woodlands.**

21 If any person shall intentionally set fire to any grassland, brushland or woodland,  
22 except it be his own property, or in that case without first giving notice to all persons  
23 owning or in charge of lands adjoining the land intended to be fired, and without also  
24 taking care to watch such fire while burning and to extinguish it before it shall reach any  
25 lands near to or adjoining the lands so fired, he shall for every such offense be guilty of  
26 a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five  
27 hundred dollars (\$500.00), or imprisoned for a period of not less than 60 days nor more  
28 than four months for the first offense, and for a second or any subsequent similar  
29 offense shall be imprisoned not less than four months nor more than one year. If intent  
30 to damage the property of another shall be shown, said person shall, ~~for a first offense,~~  
31 ~~be punished as a Class I felon; and for a second and subsequent offenses said person~~  
32 ~~shall be punished as a Class H felon.~~ This section shall not prevent an action for the  
33 damages sustained by the owner of any property from such fires. For the purposes of  
34 this section, the term 'woodland' is to be taken to include all forest areas, both timber  
35 and cutover land, and all second-growth stands on areas that have at one time been  
36 cultivated. Any person who shall furnish to the State, evidence sufficient for the  
37 conviction of a violation of this section shall receive the sum of five hundred dollars  
38 (\$500.00) to be paid from the State Fire Suppression Fund."

39 **—CONTAMINATING A PUBLIC WATER SYSTEM**

40 Sec. 77. G.S. 14-159.1(b) reads as rewritten:

41 "(b) Any person who commits the offense defined in this section is guilty of a  
42 Class ~~I~~C felony."

43 **—INTERFERENCE WITH ANIMAL RESEARCH**

44 Sec. 78. G.S. 14-159.2(c) reads as rewritten:

1       "(c) Any person who commits an offense under subsection (a) of this section that  
2 involves the release from any enclosure or restraining device of any animal having an  
3 infectious disease shall be guilty of a Class ~~J~~I felony."

4 **—CRIME AGAINST NATURE**

5       Sec. 79. G.S. 14-177 reads as rewritten:

6 **"§ 14-177. Crime against nature.**

7       If any person shall commit the crime against nature, with mankind or beast, he shall  
8 be punished as a Class ~~H~~I felon."

9 **—INCEST BETWEEN CERTAIN NEAR RELATIVES**

10       Sec. 80. G.S. 14-178 reads as rewritten:

11 **"§ 14-178. Incest between certain near relatives.**

12       The parties shall be guilty of a felony in all cases of carnal intercourse between (i)  
13 grandparent and grandchild, (ii) parent and child or stepchild or legally  
14 adopted child, or (iii) brother and sister of the half or whole blood. Every such offense is  
15 punishable as a Class ~~G~~F felony."

16 **—BIGAMY**

17       Sec. 81. G.S. 14-183 reads as rewritten:

18 **"§ 14-183. Bigamy.**

19       If any person, being married, shall marry any other person during the life of the  
20 former husband or wife, every such offender, and every person counseling, aiding or  
21 abetting such offender, shall be punished as a Class ~~H~~I felon. Any such offense may be  
22 dealt with, tried, determined and punished in the county where the offender shall be  
23 apprehended, or be in custody, as if the offense had been actually committed in that  
24 county. If any person, being married, shall contract a marriage with any other person  
25 outside of this State, which marriage would be punishable as bigamous if contracted  
26 within this State, and shall thereafter cohabit with such person in this State, he shall be  
27 guilty of a felony and shall be punished as in cases of bigamy. Nothing contained in this  
28 section shall extend to any person marrying a second time, whose husband or wife shall  
29 have been continually absent from such person for the space of seven years then last  
30 past, and shall not have been known by such person to have been living within that  
31 time; nor to any person who at the time of such second marriage shall have been  
32 lawfully divorced from the bond of the first marriage; nor to any person whose former  
33 marriage shall have been declared void by the sentence of any court of competent  
34 jurisdiction."

35 **—OBSCENE LITERATURE AND EXHIBITIONS**

36       Sec. 82. G.S. 14-190.1(g) reads as rewritten:

37       "(g) Violation of this section is a Class ~~J~~I felony."

38 **—DISSEMINATION TO MINORS UNDER THE AGE OF 13 YEARS**

39       Sec. 83. G.S. 14-190.8 reads as rewritten:

40 **"§ 14-190.8. Dissemination to minors under the age of 13 years.**

41       Every person 18 years of age or older who knowingly disseminates to any minor  
42 under the age of 13 years any material which he knows or reasonably should know to be  
43 obscene within the meaning of G.S. 14-190.1 shall be punished as a Class ~~H~~I felon."

44 **—FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR**

1           Sec. 84. G.S. 14-190.16(d) reads as rewritten:

2           "(d) Punishment and Sentencing. – Violation of this section is a Class G-E felony.  
3 ~~Notwithstanding any other provision of law, except a person sentenced as a committed~~  
4 ~~youthful offender, a person convicted under this section shall receive a sentence of at~~  
5 ~~least six years and shall be entitled to credit for good behavior under G.S. 15A-1340.7,~~  
6 ~~except that such credit shall not reduce the time served to less than three years. A person~~  
7 ~~so convicted shall serve a term of not less than three years, excluding gain time granted~~  
8 ~~under G.S. 148-13. The sentencing judge shall not suspend the sentence and shall not~~  
9 ~~place the person sentenced on probation. Sentences imposed pursuant to this section~~  
10 ~~shall run consecutively with and shall commence at the expiration of any other sentence~~  
11 ~~being served by the person sentenced."~~

12 **—SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR**

13           Sec. 85. G.S. 14-190.17(d) reads as rewritten:

14           "(d) Punishment and Sentencing. – Violation of this section is a Class H-F felony.  
15 ~~Notwithstanding any other provision of law, except a person sentenced as a committed~~  
16 ~~youthful offender, a person convicted under this section shall receive a sentence of at~~  
17 ~~least four years and shall be entitled to credit for good behavior under G.S. 15A-1340.7,~~  
18 ~~except that such credit shall not reduce the time served to less than two years. A person~~  
19 ~~so convicted shall serve a term of not less than two years, excluding gain time granted~~  
20 ~~under G.S. 148-13. The sentencing judge may not suspend the sentence and may not~~  
21 ~~place the person sentenced on probation. Sentences imposed pursuant to this section~~  
22 ~~shall run consecutively with and shall commence at the expiration of any other sentence~~  
23 ~~being served by the person sentenced."~~

24 **—THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR**

25           Sec. 86. G.S. 14-190.17A(d) reads as rewritten:

26           "(d) Punishment and Sentencing - Violation of this section is a Class J-I felony."

27 **—PROMOTING PROSTITUTION OF A MINOR**

28           Sec. 87. G.S. 14-190.18(c) reads as rewritten:

29           "(c) Punishment and Sentencing. – Violation of this section is a Class G-F felony.  
30 ~~Notwithstanding any other provision of law, except a person sentenced as a committed~~  
31 ~~youthful offender, a person convicted under this section shall receive a sentence of at~~  
32 ~~least six years and shall be entitled to credit for good behavior under G.S. 15A-1340.7,~~  
33 ~~except that such credit shall not reduce the time served to less than three years. A person~~  
34 ~~so convicted shall serve a sentence of not less than three years, excluding gain time~~  
35 ~~granted under G.S. 148-13. The sentencing judge may not suspend the sentence and~~  
36 ~~may not place the person sentenced on probation. Sentences imposed pursuant to this~~  
37 ~~section shall run consecutively with and shall commence at the expiration of any other~~  
38 ~~sentence being served by the person sentenced."~~

39 **—PARTICIPATING IN PROSTITUTION OF A MINOR**

40           Sec. 88. G.S. 14-190.19(c) reads as rewritten:

41           "(c) Punishment and Sentencing. – Violation of this section is a Class H-F felony.  
42 ~~Notwithstanding any other provision of law, except a person sentenced as a committed~~  
43 ~~youthful offender, a person convicted under this section shall receive a sentence of at~~  
44 ~~least four years and shall be entitled to credit for good behavior under G.S. 15A-1340.7,~~

1 ~~except that such credit shall not reduce the time served to less than two years. A person~~  
2 ~~so convicted shall serve a term of not less than two years, excluding gain time granted~~  
3 ~~under G.S. 148-13. The sentencing judge may not suspend the sentence and may not~~  
4 ~~place the person sentenced on probation. Sentences imposed pursuant to this section~~  
5 ~~shall run consecutively with and shall commence at the expiration of any other sentence~~  
6 ~~being served by the person sentenced."~~

7 ~~—TAKING INDECENT LIBERTIES WITH CHILDREN~~

8 Sec. 89. G.S. 14-202.1(b) reads as rewritten:

9 "(b) Taking indecent liberties with children is punishable as a Class ~~H~~F felony."

10 ~~—PUNISHMENT FOR PERJURY~~

11 Sec. 90. G.S. 14-209 reads as rewritten:

12 "**§ 14-209. Punishment for perjury.**

13 If any person shall willfully and corruptly commit perjury, on his oath or  
14 affirmation, in any suit, controversy, matter or cause, depending in any of the courts of  
15 the State, or in any deposition or affidavit taken pursuant to law, or in any oath or  
16 affirmation duly administered of or concerning any matter or thing whereof such person  
17 is lawfully required to be sworn or affirmed, every person so offending shall be  
18 punished as a Class ~~H~~F felon."

19 ~~—SUBORNATION OF PERJURY~~

20 Sec. 91. G.S. 14-210 reads as rewritten:

21 "**§ 14-210. Subornation of perjury.**

22 If any person shall, by any means, procure another person to commit such willful  
23 and corrupt perjury as is mentioned in G.S. 14-209, the person so offending shall be  
24 punished ~~in like manner as the person committing the perjury. as a Class I felon.~~"

25 ~~—PERJURY BEFORE LEGISLATIVE COMMITTEES~~

26 Sec. 92. G.S. 14-211 reads as rewritten:

27 "**§ 14-211. Perjury before legislative committees.**

28 If any person shall willfully and corruptly swear falsely to any fact material to the  
29 investigation of any matter before any committee or commission of either house of the  
30 General Assembly, he shall be subject to all the pains and penalties of willful and  
31 corrupt perjury, and, on conviction in the Superior Court of Wake County, shall be  
32 punished as a Class ~~H~~I felon."

33 ~~—PERJURY IN COURT-MARTIAL PROCEEDINGS~~

34 Sec. 93. G.S. 14-212 reads as rewritten:

35 "**§ 14-212. Perjury in court-martial proceedings.**

36 If any person shall willfully and corruptly swear falsely before any court-martial,  
37 touching and concerning any matter or thing cognizable before such court-martial, he  
38 shall be punished as a Class ~~H~~I felon."

39 ~~—BRIBERY OF OFFICIALS~~

40 Sec. 94. G.S. 14-217(a) reads as rewritten:

41 "(a) If any person holding office under the laws of this State who, except in  
42 payment of his legal salary, fees or perquisites, shall receive, or consent to receive,  
43 directly or indirectly, anything of value or personal advantage, or the promise thereof,  
44 for performing or omitting to perform any official act, which lay within the scope of his

1 official authority and was connected with the discharge of his official and legal duties,  
 2 or with the express or implied understanding that his official action, or omission to act,  
 3 is to be in any degree influenced thereby, he shall be punished as a Class ~~I~~F felon."

4 Sec. 95. G.S. 14-217(c) reads as rewritten:

5 "(c) A person commits the offense of conspiracy to commit bribery as defined in  
 6 subsection (a) when:

7 (1) He or she agrees with one or more persons to commit bribery as  
 8 defined in subsection (a); and

9 (2) He or she and at least one other person intend at the time of the  
 10 agreement that it be carried out; and

11 (3) He or she commits at least one overt act to carry out an object of the  
 12 conspiracy.

13 A person cannot be convicted of conspiracy to commit bribery as defined in  
 14 subsection (a) unless all elements of this section are present and are alleged in the  
 15 bill of indictment including a specific statement setting forth the overt act committed.  
 16 Conspiracy to commit bribery is a Class G felony."

17 **—OFFERING BRIBES**

18 Sec. 96. G.S. 14-218 reads as rewritten:

19 **"§ 14-218. Offering bribes.**

20 If any person shall offer a bribe, whether it be accepted or not, he shall be punished  
 21 as a Class ~~I~~F felon."

22 **—BRIBERY OF JURORS**

23 Sec. 97. G.S. 14-220 reads as rewritten:

24 **"§ 14-220. Bribery of jurors.**

25 If any juror, either directly or indirectly, shall take anything from the plaintiff or  
 26 defendant in a civil suit, or from any defendant in a State prosecution, or from any other  
 27 person, to give his verdict, every such juror, and the person who shall give such juror  
 28 any fee or reward to influence his verdict, or induce or procure him to make any gain or  
 29 profit by his verdict, shall be punished as a Class ~~H~~F felon."

30 **—BREAKING INTO JAILS WITH INTENT TO INJURE**

31 Sec. 98. G.S. 14-221 reads as rewritten:

32 **"§ 14-221. Breaking or entering jails with intent to injure prisoners.**

33 If any person shall conspire to break or enter any jail or other place of confinement  
 34 of prisoners charged with crime or under sentence, for the purpose of killing or  
 35 otherwise injuring any prisoner confined therein; or if any person shall engage in  
 36 breaking or entering any such jail or other place of confinement of such prisoners with  
 37 intent to kill or injure any prisoner, he shall be punished as a Class ~~G~~F felon."

38 **—HARASSMENT OF AND COMMUNICATION WITH JURORS**

39 Sec. 99. G.S. 14-225.2(c) reads as rewritten:

40 "(c) A person who commits the offense defined in subdivision (a)(1) of this  
 41 section is guilty of a Class ~~I~~H felony. A person who commits the offense defined in  
 42 subdivision (a)(2) of this section is guilty of a misdemeanor and upon conviction shall  
 43 be punishable as provided in G.S. 14-3(a). ~~Class I felony."~~

44 **—INTIMIDATING OR INTERFERING WITH WITNESSES**

1           Sec. 100. G.S. 14-226 reads as rewritten:

2   **"§ 14-226. Intimidating or interfering with witnesses.**

3       If any person shall by threats, menaces or in any other manner intimidate or attempt  
4 to intimidate any person who is summoned or acting as a witness in any of the courts of  
5 this State, or prevent or deter, or attempt to prevent or deter any person summoned or  
6 acting as such witness from attendance upon such court, he shall be guilty of a  
7 ~~misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the~~  
8 ~~court.~~ Class H felony."

9   —**BUYING AND SELLING OFFICES**

10          Sec. 101. G.S. 14-228 reads as rewritten:

11   **"§ 14-228. Buying and selling offices.**

12       If any person shall bargain away or sell an office or deputation of an office, or any  
13 part or parcel thereof, or shall take money, reward or other profit, directly or indirectly,  
14 or shall take any promise, covenant, bond or assurance for money, reward or other  
15 profit, for an office or the deputation of an office, or any part thereof, which office, or  
16 any part thereof, shall touch or concern the administration or execution of justice, or the  
17 receipt, collection, control or disbursement of the public revenue, or shall concern or  
18 touch any clerkship in any court of record wherein justice is administered; or if any  
19 person shall give or pay money, reward or other profit, or shall make any promise,  
20 agreement, bond or assurance for any of such offices, or for the deputation of any of  
21 them, or for any part of them, the person so offending in any of the cases aforesaid shall  
22 be guilty of a ~~misdemeanor, and on conviction thereof shall forfeit all his right, interest~~  
23 ~~and estate in such office, and every part and parcel thereof, and shall be imprisoned and~~  
24 ~~fined at the discretion of the court.~~ Class I felony."

25   —**MAKING OF FALSE REPORT BY BANK EXAMINERS; BRIBES**

26          Sec. 102. G.S. 14-233 reads as rewritten:

27   **"§ 14-233. Making of false report by bank examiners; accepting bribes.**

28       If any bank examiner shall knowingly and willfully make any false or fraudulent  
29 report of the condition of any bank, which shall have been examined by him, with the  
30 intent to aid or abet the officers, owners, or agents of such bank in continuing to operate  
31 an insolvent bank, or if any such examiner shall keep or accept any bribe or gratuity  
32 given for the purpose of inducing him not to file any report of examination of any bank  
33 made by him, or shall neglect to make an examination of any bank by reason of having  
34 received or accepted any bribe or gratuity, he shall be punished as a ~~Class H-I~~ Class H-I felon."

35   —**FAILURE OF RAILROAD OFFICERS TO ACCOUNT**

36          Sec. 103. G.S. 14-253 reads as rewritten:

37   **"§ 14-253. Failure of certain railroad officers to account with successors.**

38       If the president and directors of any railroad company, and any person acting under  
39 them, shall, upon demand, fail or refuse to account with the president and directors  
40 elected or appointed to succeed them, and to transfer to them forthwith all the money,  
41 books, papers, choses in action, property and effects of every kind and description  
42 belonging to such company, they shall be guilty of a ~~felony, and shall be punished by~~  
43 ~~imprisonment in the State's prison for not less than one nor more than five years, and be~~  
44 ~~fined at the discretion of the court.~~ Class I felony. All persons conspiring with any such



1 president, directors or their agents to defeat, delay or hinder the execution of this section  
2 shall be guilty of a misdemeanor, and shall be punished in like manner. The Governor is  
3 hereby authorized, at the request of the president, directors and other officers of any  
4 railroad company, to make requisition upon the governor of any other state for the  
5 apprehension of any such president failing to comply with this section."

6 **—MALFEASANCE OF CORPORATION OFFICERS AND AGENTS**

7 Sec. 104. G.S. 14-254(a) reads as rewritten:

8 "(a) If any president, director, cashier, teller, clerk or agent of any corporation  
9 shall embezzle, abstract or willfully misapply any of the moneys, funds or credits of the  
10 corporation, or shall, without authority from the directors, issue or put forth any  
11 certificate of deposit, draw any order or bill of exchange, make any acceptance, assign  
12 any note, bond, draft, bill of exchange, mortgage, judgment or decree, or make any false  
13 entry in any book, report or statement of the corporation with the intent in either case to  
14 injure or defraud or to deceive any person, or if any person shall aid and abet in the  
15 doing of any of these things, he shall be punished as a Class ~~G~~H felon."

16 **—PRISON BREACH AND ESCAPE FROM COUNTY OR MUNICIPAL**

17 Sec. 105. G.S. 14-256 reads as rewritten:

18 **"§ 14-256. Prison breach and escape from county or municipal confinement**  
19 **facilities or officers.**

20 If any person shall break any prison, jail or lockup maintained by any county or  
21 municipality in North Carolina, being lawfully confined therein, or shall escape from  
22 the lawful custody of any superintendent, guard or officer of such prison, jail or lockup,  
23 he shall be guilty of a misdemeanor, except that the person is guilty of a Class ~~J~~I felony  
24 if:

25 (1) He has been convicted of a felony and has been committed to the  
26 facility pending transfer to the State prison system; or

27 (2) He is serving a sentence imposed upon conviction of a felony."

28 **—CONVEYING MESSAGES AND WEAPONS TO OR TRADING WITH**  
29 **CONVICTS**

30 Sec. 106. G.S. 14-258 reads as rewritten:

31 **"§ 14-258. Conveying messages and weapons to or trading with convicts and other**  
32 **prisoners.**

33 If any person shall convey to or from any convict any letters or oral messages, or  
34 shall convey to any convict or person imprisoned, charged with crime and awaiting trial  
35 any weapon or instrument by which to effect an escape, or that will aid him in an assault  
36 or insurrection, or shall trade with a convict for his clothing or stolen goods, or shall sell  
37 to him any article forbidden him by prison rules, he shall be guilty of a ~~misdemeanor~~:  
38 Class H felony: Provided, that when a murder, an assault or an escape is effected with  
39 the means furnished, the person convicted of furnishing the means shall be punished as  
40 a Class ~~H~~F felon."

41 **—POSSESSION OF DANGEROUS WEAPON IN PRISON**

42 Sec. 107. G.S. 14-258.2(a) reads as rewritten:

43 "(a) Any person while in the custody of the Division of Prisons, or any person  
44 under the custody of any local confinement facility as defined in G.S. 153A-217, who

1 shall have in his possession without permission or authorization a weapon capable of  
2 inflicting serious bodily injuries or death, or who shall fabricate or create such a weapon  
3 from any source, shall be guilty of a ~~misdemeanor~~; Class H felony; and any person who  
4 commits any assault with such weapon and thereby inflicts bodily injury or by the use  
5 of said weapon effects an escape or rescue from imprisonment shall be punished as a  
6 Class H-F felon."

7 **—TAKING OF HOSTAGE, ETC., BY PRISONER**

8 Sec. 108. G.S. 14-258.3 reads as rewritten:

9 **"§ 14-258.3. Taking of hostage, etc., by prisoner.**

10 Any prisoner in the custody of the Department of Correction, including persons in  
11 the custody of the Department of Correction pending trial or appellate review or for  
12 presentence diagnostic evaluation, or any prisoner in the custody of any local  
13 confinement facility (as defined in G.S. 153A-217), or any person in the custody of any  
14 local confinement facility (as defined in G.S. 153A-217) pending trial or appellate  
15 review or for any lawful purpose, who by threats, coercion, intimidation or physical  
16 force takes, holds, or carries away any person, as hostage or otherwise, shall be  
17 punished as a Class I-F felon. The provisions of this section apply to: (i) violations  
18 committed by any prisoner in the custody of the Department of Correction, whether  
19 inside or outside of the facilities of the North Carolina Department of Correction; (ii)  
20 violations committed by any prisoner or by any other person lawfully under the custody  
21 of any local confinement facility (as defined in G.S. 153A-217), whether inside or  
22 outside the local confinement facilities (as defined in G.S. 153A-217)."

23 **—WILLFUL INJURY TO PROPERTY OF RAILROADS**

24 Sec. 109. G.S. 14-278 reads as rewritten:

25 **"§ 14-278. Willful injury to property of railroads.**

26 It shall be unlawful for any person to willfully, with intent to cause injury to any  
27 person passing over the railroad or damage to the equipment traveling on such road, put  
28 or place any matter or thing upon, over or near any railroad track, or destroy, injure,  
29 tamper with, or remove the roadbed, or any part thereof, or any rail, sill or other part of  
30 the fixtures appurtenant to or constituting or supporting any portion of the track of such  
31 railroad, and the person so offending shall be punished as a Class H-I felon."

32 **—SHOOTING OR THROWING AT TRAINS OR PASSENGERS**

33 Sec. 110. G.S. 14-280 reads as rewritten:

34 **"§ 14-280. Shooting or throwing at trains or passengers.**

35 If any person shall willfully cast, throw or shoot any stone, rock, bullet, shot, pellet  
36 or other missile at, against, or into any railroad car, locomotive or train, or any person  
37 thereon, while such car or locomotive shall be in progress from one station to another,  
38 or while such car, locomotive or train shall be stopped for any purpose, the person so  
39 offending shall be guilty of a ~~misdemeanor, and shall be punished by fine or~~  
40 ~~imprisonment in the county jail or State's prison, at the discretion of the court.~~ Class I  
41 felony."

42 **—DISPLAYING FALSE LIGHTS ON SEASHORE**

43 Sec. 111. G.S. 14-282 reads as rewritten:

44 **"§ 14-282. Displaying false lights on seashore.**

1 If any person shall make or display, or cause to be made or displayed, any false light  
2 or beacon on or near the seacoast, for the purpose of deceiving and misleading masters  
3 of vessels, and thereby putting them in danger of shipwreck, he shall be guilty of a Class  
4 ~~H-I~~ felony."

5 **—DUMPING OF TOXIC SUBSTANCES**

6 Sec. 112. G.S. 14-284.2(a) reads as rewritten:

7 "(a) It shall be unlawful to deposit, place, dump, discharge, spill, release, burn,  
8 incinerate, or otherwise dispose of any toxic substances as defined in this section or  
9 radioactive material as defined in G.S. 104E-5 into the atmosphere, in the waters, or on  
10 land, except where such disposal is conducted pursuant to federal or State law,  
11 regulation, or permit. Any person who willfully violates the provisions of this section  
12 shall be guilty of a Class ~~H-F~~ felony. The fine authorized by G.S. 14-1.1(a)(8) for a  
13 conviction under this section may include a fine of up to one hundred thousand dollars  
14 (\$100,000) per day of violation."

15 **—RIOT; INCITING TO RIOT; PUNISHMENTS**

16 Sec. 113. G.S. 14-288.2(c) reads as rewritten:

17 "(c) Any person who willfully engages in a riot is guilty of a Class ~~I-H~~ felony, if:

- 18 (1) In the course and as a result of the riot there is property damage in  
19 excess of fifteen hundred dollars (\$1,500) or serious bodily injury; or  
20 (2) Such participant in the riot has in his possession any dangerous  
21 weapon or substance."

22 Sec. 114. G.S. 14-288.2(e) reads as rewritten:

23 "(e) Any person who willfully incites or urges another to engage in a riot, and  
24 such inciting or urging is a contributing cause of a riot in which there is property  
25 damage in excess of fifteen hundred dollars (\$1,500) or serious bodily injury, shall be  
26 punished as a Class ~~H-F~~ felon."

27 **—LOOTING; TRESPASS DURING EMERGENCY**

28 Sec. 115. G.S. 14-288.6(b) reads as rewritten:

29 "(b) Any person who commits the crime of trespass during emergency and,  
30 without legal justification, obtains or exerts control over, damages, ransacks, or destroys  
31 the property of another is guilty of the felony of looting and shall be punished as a Class  
32 ~~I-H~~ felon."

33 **—WEAPON OF MASS DEATH AND DESTRUCTION**

34 Sec. 116. G.S. 14-288.8(d) reads as rewritten:

35 "(d) Any person who violates any provision of this section is guilty of a Class ~~I-F~~  
36 felony."

37 **—ASSAULT ON EMERGENCY PERSONNEL; PUNISHMENTS**

38 Sec. 117. G.S. 14-288.9(c) reads as rewritten:

39 "(c) Any person who commits an assault upon emergency personnel is guilty of a  
40 misdemeanor punishable as provided in G.S. 14-3(a). Any person who commits an  
41 assault upon emergency personnel with or through the use of any dangerous weapon or  
42 substance shall be punished as a Class ~~I-F~~ felon."

43 **—CERTAIN WEAPONS AT CIVIL DISORDERS**

44 Sec. 118. G.S. 14-288.20(b) reads as rewritten:

1       "(b) A person is guilty of a Class ~~F~~H felony, if he:

- 2           (1) Teaches or demonstrates to any other person the use, application, or  
3           making of any firearm, explosive or incendiary device, or technique  
4           capable of causing injury or death to persons, knowing or having  
5           reason to know or intending that the same will be unlawfully employed  
6           for use in, or in furtherance of, a civil disorder; or  
7           (2) Assembles with one or more persons for the purpose of training with,  
8           practicing with, or being instructed in the use of any firearm, explosive  
9           or incendiary device, or technique capable of causing injury or death to  
10          persons, intending to employ unlawfully the training, practicing,  
11          instruction, or technique for use in, or in furtherance of, a civil  
12          disorder."

13       **—BINGO**

14           Sec. 119. G.S. 14-309.5(b) reads as rewritten:

15       "(b) It is lawful for an exempt organization to conduct bingo games in accordance  
16       with the provisions of this Part. Any licensed exempt organization who conducts a  
17       bingo game in violation of any provision of this Part shall be guilty of a misdemeanor  
18       under G.S. 14-292 and shall be punished in accordance with G.S. 14-3. Upon  
19       conviction such person shall not conduct a bingo game for a period of one year. It is  
20       lawful to participate in a bingo game conducted pursuant to this Part. It shall be a Class  
21       ~~H~~I felony for any person: (i) to operate a bingo game without a license; (ii) to operate a  
22       bingo game while license is revoked or suspended; (iii) to willfully misuse or misapply  
23       any moneys received in connection with any bingo game; or (iv) to contract with or  
24       provide consulting services to any licensee. It shall not constitute a violation of any  
25       State law to advertise a bingo game conducted in accordance with this Part."

26       **—BEACH BINGO**

27           Sec. 120. G.S. 14-309.14 reads as rewritten:

28       "**§ 14-309.14. Beach bingo.**

29       Nothing in this Article shall apply to 'beach bingo' games except for the following  
30       ~~subsections:~~ subdivisions:

31       -       ~~(a)~~

32           (1) No beach bingo game may offer a prize having a value greater than ten  
33           dollars (\$10.00). Any person offering a greater than ten-dollar  
34           (\$10.00) but less than fifty-dollar (\$50.00) prize is guilty of a  
35           misdemeanor. Any person offering a prize of fifty dollars (\$50.00) or  
36           greater is guilty of a Class ~~H~~I felony.

37       (b)

38           (2) No beach bingo game may be held in conjunction with any other  
39           lawful bingo game, with any 'promotional bingo game', or with any  
40           offering of an opportunity to obtain anything of value, whether for  
41           valuable consideration or not. No beach bingo game may offer free  
42           bingo games as a promotion, for prizes or otherwise. Any person who  
43           violates this subsection is guilty of a Class ~~H~~I felony.

44       (c) G.S. 18B-308 shall apply to beach bingo games.

1 (d) Upon conviction under any provision of this section, such person shall not  
2 conduct a bingo game for a period of at least one year."

3 **—CHILD ABUSE A FELONY**

4 Sec. 121. G.S. 14-318.4 reads as rewritten:

5 **"§ 14-318.4. Child abuse a felony.**

6 (a) A parent or any other person providing care to or supervision of a child less  
7 than 16 years of age who intentionally inflicts any serious physical injury upon or to the  
8 child or who intentionally commits an assault upon the child which results in any  
9 serious physical injury to the child is guilty of a Class ~~H~~E felony.

10 (a1) Any parent of a child less than 16 years of age, or any other person providing  
11 care to or supervision of the child, who commits, permits, or encourages any act of  
12 prostitution with or by the juvenile is guilty of child abuse and shall be punished as a  
13 Class ~~H~~E felon.

14 (a2) Any parent or legal guardian of a child less than 16 years of age who commits  
15 or allows the commission of any sexual act upon a juvenile is guilty of a Class ~~H~~E  
16 felony.

17 (b) The felony of child abuse is an offense additional to other civil and criminal  
18 provisions and is not intended to repeal or preclude any other sanctions or remedies."

19 **—TRANSPORTING CHILD OUTSIDE THE STATE**

20 Sec. 122. G.S. 14-320.1 reads as rewritten:

21 **"§ 14-320.1. Transporting child outside the State with intent to violate custody  
22 order.**

23 When any federal court or state court in the United States shall have awarded  
24 custody of a child under the age of 16 years, it shall be a felony for any person with the  
25 intent to violate the court order to take or transport, or cause to be taken or transported,  
26 any such child from any point within this State to any point outside the limits of this  
27 State or to keep any such child outside the limits of this State. Such crime shall be  
28 punishable as a Class ~~J~~I felony. Provided that keeping a child outside the limits of the  
29 State in violation of a court order for a period in excess of 72 hours shall be prima facie  
30 evidence that the person charged intended to violate the order at the time of taking."

31 **—POISONOUS ALCOHOLIC BEVERAGES**

32 Sec. 123. G.S. 14-329(b) reads as rewritten:

33 "(b) Any person who, either individually or as agent for any person, firm or  
34 corporation, shall, knowing or having reasonable grounds to know of the poisonous  
35 qualities thereof, transport for other than personal use, sell or possess for purpose of  
36 sale, for use as a beverage, any spirituous liquor which is found to contain any foreign  
37 properties or ingredients poisonous to the human system, shall be punished as a Class ~~H~~  
38 F felon."

39 **—ANIMAL FIGHTS AND ANIMAL BAITING.**

40 Sec. 124. G.S. 14-362.1(d) reads as rewritten:

41 "(d) A person who commits an offense under subsection (a) within three years  
42 after being convicted of an offense under this section is guilty of a Class ~~J~~I felony."

43 **—ALTERING THE BRANDS OF AND MISBRANDING ANOTHER'S  
44 LIVESTOCK**

1           Sec. 125. G.S. 14-367 reads as rewritten:

2   **"§ 14-367. Altering the brands of and misbranding another's livestock.**

3       If any person shall knowingly alter or deface the mark or brand of any other person's  
4 horse, mule, ass, neat cattle, sheep, goat, or hog, or shall knowingly mismark or brand  
5 any such beast that may be unbranded or unmarked, not properly his own, with intent to  
6 defraud any other person, the person so offending shall be guilty of a ~~felony~~, and shall  
7 ~~be punished as if convicted of larceny.~~ Class H felony."

8   ~~—BRIBERY OF PLAYERS, MANAGERS, COACHES, REFEREES, ETC.~~

9           Sec. 126. G.S. 14-373 reads as rewritten:

10 **"§ 14-373. Bribery of players, managers, coaches, referees, umpires or officials.**

11       If any person shall bribe or offer to bribe or shall aid, advise, or abet in any way  
12 another in such bribe or offer to bribe, any player or participant in any athletic contest  
13 with intent to influence his play, action, or conduct and for the purpose of inducing the  
14 player or participant to lose or try to lose or cause to be lost any athletic contest or to  
15 limit or try to limit the margin of victory or defeat in such contest; or if any person shall  
16 bribe or offer to bribe or shall aid, advise, or abet in any way another in such bribe or  
17 offer to bribe, any referee, umpire, manager, coach, or any other official or an athletic  
18 club or team, league, association, institution or conference, by whatever name called  
19 connected with said athletic contest with intent to influence his decision or bias his  
20 opinion or judgment for the purpose of losing or trying to lose or causing to be lost said  
21 athletic contest or of limiting or trying to limit the margin of victory or defeat in such  
22 contest, such person shall be punished as a ~~Class H-I~~ Class H-I felon."

23 ~~—ACCEPTANCE OF BRIBES BY PLAYERS, MANAGERS, COACHES, ETC.~~

24           Sec. 127. G.S. 14-374 reads as rewritten:

25 **"§ 14-374. Acceptance of bribes by players, managers, coaches, referees, umpires**  
26 **or officials.**

27       If any player or participant in any athletic contest shall accept, or agree to accept, a  
28 bribe given for the purpose of inducing the player or participant to lose or try to lose or  
29 cause to be lost or limit or try to limit the margin of victory or defeat in such contest; or  
30 if any referee, umpire, manager, coach, or any other official of an athletic club, team,  
31 league, association, institution, or conference connected with an athletic contest shall  
32 accept or agree to accept a bribe given with the intent to influence his decision or bias  
33 his opinion or judgment and for the purpose of losing or trying to lose or causing to be  
34 lost said athletic contest or of limiting or trying to limit the margin of victory or defeat  
35 in such contest, such person shall be punished as a ~~Class H-I~~ Class H-I felon."

36 ~~—INTENTIONAL LOSING OF ATHLETIC CONTEST OR POINT-SHAVING~~

37           Sec. 128. G.S. 14-377 reads as rewritten:

38 **"§ 14-377. Intentional losing of athletic contest or limiting margin of victory or**  
39 **defeat.**

40       If any player or participant shall commit any willful act of omission or commission,  
41 in playing of an athletic contest, with intent to lose or try to lose or to cause to be lost or  
42 to limit or try to limit the margin of victory or defeat in such contest for the purpose of  
43 material gain to himself, or if any referees, umpire, manager, coach, or other official of  
44 an athletic club, team, league, association, institution or conference connected with an

1 athletic contest shall commit any willful act of omission or commission connected with  
2 his official duties with intent to try to lose or to cause to be lost or to limit or try to limit  
3 the margin of victory or defeat in such contest for the purpose of material gain to  
4 himself, such person shall be punished as a Class ~~H~~I felon."

5 **—LITTERING**

6 Sec. 129. G.S. 14-399(e) reads as rewritten:

7 "(e) Any person who violates this section in an amount exceeding 500 pounds or  
8 in any quantity for commercial purposes, or who discards litter that is a hazardous waste  
9 as defined in G.S. 130A-290 is guilty of a Class ~~J~~I felony. In addition, the court may  
10 order the violator to:

- 11 (1) Remove, or render harmless, the litter that he discarded in violation of  
12 this section;
- 13 (2) Repair or restore property damaged by, or pay damages for any  
14 damage arising out of, his discarding litter in violation of this section;  
15 or
- 16 (3) Perform community public service relating to the removal of litter  
17 discarded in violation of this section or to the restoration of an area  
18 polluted by litter discarded in violation of this section."

19 **—DISTRIBUTION OF CERTAIN FOOD AT HALLOWEEN**

20 Sec. 130. G.S. 14-401.11(b) reads as rewritten:

21 "(b) Penalties.

22 (1) Any person violating the provisions of G.S. 14-401.11(a)(1):

- 23 a. Where the actual or possible effect on a person eating the food  
24 or substance was or would be limited to mild physical  
25 discomfort without any lasting effect, shall be guilty of a  
26 ~~misdemeanor punishable in the discretion of the court. Class I~~  
27 felony.
- 28 b. Where the actual or possible effect on a person eating the food  
29 or substance was or would be greater than mild physical  
30 discomfort without any lasting effect, shall be punished as a  
31 Class H felon.

32 (2) Any person violating the provisions of G.S. 14-401.11(a)(2) shall be  
33 punished as a Class ~~H~~F felon.

34 (3) Any person violating the provisions of G.S. 14-401.11(a)(3) shall be  
35 punished as a Class ~~D~~C felon."

36 **—MACHINE GUNS AND OTHER LIKE WEAPONS**

37 Sec. 131. G.S. 14-409(c) reads as rewritten:

38 "(c) Any person violating any of the provisions of this section shall be guilty of a  
39 ~~misdemeanor and shall be fined not less than five hundred dollars (\$500.00), or~~  
40 ~~imprisoned for not less than six months, or both, in the discretion of the court. Class I~~  
41 felony."

42 **—MACHINE GUNS AND OTHER LIKE WEAPONS**

43 Sec. 132. G.S. 14-409.9(c) reads as rewritten:

1       "(c) Any person violating any of the provisions of this section shall be guilty of a  
2 ~~misdemeanor and shall be fined not less than five hundred dollars (\$500.00), or~~  
3 ~~imprisoned for not less than six months, or both, in the discretion of the court. Class I~~  
4 ~~felony.~~"

5 ~~—~~**POSSESSION OF FIREARMS BY FELON PROHIBITED**

6           Sec. 133. G.S. 14-415.1(a) reads as rewritten:

7       "(a) It shall be unlawful for any person who has been convicted of any crime set  
8 out in subsection (b) of this section to purchase, own, possess, or have in his custody,  
9 care, or control any handgun or other firearm with a barrel length of less than 18 inches  
10 or an overall length of less than 26 inches, or any weapon of mass death and destruction  
11 as defined in G.S. 14-288.8(c), within five years from the date of such conviction, or the  
12 unconditional discharge from a correctional institution, or termination of a suspended  
13 sentence, probation, or parole upon such conviction, whichever is later.

14       Every person violating the provisions of this section shall be punished as a ~~Class I~~  
15 ~~felon.~~

16       Nothing in this subsection would prohibit the right of any person to have possession  
17 of a firearm within his own home or on his lawful place of business."

18 ~~—~~**RECORD AND TAPE PIRACY**

19           Sec. 134. G.S. 14-437(a)(1) reads as rewritten:

20       "(1) A Class I felony, ~~punishable by imprisonment for not more than five~~  
21 ~~years, which may include a fine of not more than one hundred fifty~~  
22 ~~thousand dollars (\$150,000), or both,~~ if the offense involves at least  
23 1,000 unauthorized sound recordings or at least 100 unauthorized  
24 audio visual recordings during any 180-day period or is a second or  
25 subsequent conviction under either subdivision (1) or (2) of this  
26 section;"

27 ~~—~~**VIOLATIONS OF PERMIT PROVISIONS**

28           Sec. 135. G.S. 20-30(7) reads as rewritten:

29       "(7) To sell or offer for sale any reproduction or facsimile or simulation of  
30 a driver's license or learner's permit. The provisions of this ~~subsection~~  
31 ~~subdivision~~ shall not apply to agents or employees of the Division  
32 while acting in the course and scope of their employment. Any  
33 person, firm or corporation violating the provisions of this subsection  
34 shall be guilty of a Class ~~I~~ felony."

35 ~~—~~**PENALTIES FOR FAILURE TO APPEAR**

36           Sec. 136. G.S. 15A-343(b) reads as rewritten:

37       "(b) A violation of this section is a Class ~~I~~ felony if:

- 38       (1) The violator was released in connection with a felony charge against  
39 him; or  
40       (2) The violator was released under the provisions of G.S. 15A-536."

41 ~~—~~**MAKING FALSE AFFIDAVITS PERJURY**

42           Sec. 137. G.S. 20-31 reads as rewritten:

43 **"§ 20-31. Making false affidavits perjury.**



1 Any person who shall make any false affidavit, or shall knowingly swear or affirm  
2 falsely, to any matter or thing required by the terms of this Article to be sworn to or  
3 affirmed shall be guilty of perjury and upon conviction shall be punished by fine or  
4 imprisonment as other persons committing perjury are punishable under the laws of this  
5 State. a Class I felony."

6 **—UNLAWFUL TO ISSUE LICENSES FOR ANYTHING OF VALUE**

7 Sec. 138. G.S. 20-34.1 reads as rewritten:

8 **"§ 20-34.1. Unlawful to issue licenses for anything of value except prescribed fees.**

9 It shall be unlawful for any employee of the Division of Motor Vehicles to charge or  
10 accept any money or other thing of value except the fees prescribed by law for the  
11 issuance of a driver's license, and the fact that the license is not issued after said  
12 employee charges or accepts money or other thing of value shall not constitute a defense  
13 to a criminal action under this section. In a prosecution under this section it shall not be  
14 a defense to show that the person giving the money or other thing of value or the person  
15 receiving the license or intended to receive the same is entitled to a license under the  
16 Uniform Driver's License Act. Any person violating this section shall be guilty of a  
17 ~~felony and upon conviction shall be punished by imprisonment in the State's prison for~~  
18 ~~not more than five years or by Class I felony which may include a fine of not more than~~  
19 ~~five thousand dollars (\$5,000) or by both such fine and imprisonment. (\$5,000)."~~

20 **—REPRODUCING OR POSSESSING BLANK CERTIFICATE OF TITLE**

21 Sec. 139. G.S. 20-71(b) reads as rewritten:

22 "(b) It shall be unlawful for any person with fraudulent intent to reproduce or  
23 possess a blank North Carolina certificate of title or facsimile thereof. Any person, firm  
24 or corporation violating the provisions of this section shall be guilty of a ~~felony and~~  
25 ~~upon conviction shall be punished as provided in G.S. 20-177. Class I felony."~~

26 **—RECEIVING OR TRANSFERRING STOLEN VEHICLES**

27 Sec. 140. G.S. 20-106 reads as rewritten:

28 **"§ 20-106. Receiving or transferring stolen vehicles.**

29 Any person who, with intent to procure or pass title to a vehicle which he knows or  
30 has reason to believe has been stolen or unlawfully taken, receives or transfers  
31 possession of the same from or to another, or who has in his possession any vehicle  
32 which he knows or has reason to believe has been stolen or unlawfully taken, and who  
33 is not an officer of the law engaged at the time in the performance of his duty as such  
34 officer shall be punished as a ~~Class I~~ H felon."

35 **—FRAUD IN CONNECTION WITH RENTAL OF MOTOR VEHICLES**

36 Sec. 141. G.S. 20-106.1 reads as rewritten:

37 **"§ 20-106.1. Fraud in connection with rental of motor vehicles.**

38 Any person with the intent to defraud the owner of any motor vehicle or a person in  
39 lawful possession thereof, who obtains possession of said vehicle by agreeing in writing  
40 to pay a rental for the use of said vehicle, and further agreeing in writing that the said  
41 vehicle shall be returned to a certain place, or at a certain time, and who willfully fails  
42 and refuses to return the same to the place and at the time specified, or who secretes,  
43 converts, sells or attempts to sell the same or any part thereof shall be guilty of a Class I  
44 felony."

**1** ~~—SUBLEASE AND LOAN ASSUMPTION ARRANGING~~**2** Sec. 142. G.S. 20-106.2(d) reads as rewritten:**3** "(d) An offense under subdivision (b)(1) or (b)(2) of this section is a Class ~~J~~I  
**4** felony."**5** ~~—ALTERING OR CHANGING ENGINE OR OTHER NUMBERS~~**6** Sec. 143. G.S. 20-109(a) reads as rewritten:**7** "(a) It shall be unlawful and constitute a felony for:**8** (1) Any person to willfully deface, destroy, remove, cover, or alter the  
**9** manufacturer's serial number, transmission number, or engine number;  
**10** or**11** (2) Any vehicle owner to knowingly permit the defacing, removal,  
**12** destroying, covering, or alteration of the serial number, transmission  
**13** number, or engine number; or**14** (3) Any person except a licensed vehicle manufacturer as authorized by  
**15** law to place or stamp any serial number, transmission number, or  
**16** engine number upon a vehicle, other than one assigned thereto by the  
**17** Division; or**18** (4) Any vehicle owner to knowingly permit the placing or stamping of any  
**19** serial number or motor number upon a motor vehicle, except such  
**20** numbers as assigned thereto by the Division.**21** A violation of this subsection shall be punishable as a Class ~~J~~I felony."**22** ~~—MAKING FALSE AFFIDAVIT PERJURY~~**23** Sec. 144. G.S. 20-112 reads as rewritten:**24** "§ 20-112. Making false affidavit perjury.**25** Any person who shall knowingly make any false affidavit or shall knowingly swear  
**26** or affirm falsely to any matter or thing required by the terms of this Article to be sworn  
**27** or affirmed to shall be guilty of perjury, ~~and upon conviction shall be punishable by a~~  
**28** ~~fine and imprisonment as other persons committing perjury are punishable. a Class I~~  
**29** ~~felony."~~**30** ~~—SMOKE SCREENS~~**31** Sec. 145. G.S. 20-136(b) reads as rewritten:**32** "(b) Any person or persons violating the provisions of this section shall be guilty  
**33** of a ~~felony, and upon conviction shall be imprisoned in the State's prison for a period of~~  
**34** ~~not less than one year or not more than 10 years, in the discretion of the court. Class I~~  
**35** ~~felony."~~**36** ~~—HABITUAL IMPAIRED DRIVING~~**37** Sec. 146. G.S. 20-138.5(b) reads as rewritten:**38** "(b) A person convicted of violating this section shall be punished as a Class ~~J~~  
**39** ~~Ifelony and shall be sentenced to a minimum term of one year of imprisonment which~~  
**40** ~~shall not be suspended. Sentences imposed under this subsection shall run~~  
**41** ~~consecutively with and shall commence at the expiration of any sentence being served."~~**42** ~~—FELONY AND MISDEMEANOR DEATH BY VEHICLE~~**43** Sec. 147. G.S. 20-141.4(b) reads as rewritten:

1       "(b) Punishments. – Felony death by vehicle is a Class ~~I~~G felony. misdemeanor  
2 death by vehicle is a misdemeanor punishable by a fine of not more than five hundred  
3 dollars (\$500.00), imprisonment for not more than two years, or both, in the discretion  
4 of the court."

5 **—DUTY TO STOP IN EVENT OF ACCIDENT OR COLLISION.**

6       Sec. 148. G.S. 20-166(a) reads as rewritten:

7       "(a) The driver of any vehicle who knows or reasonably should know:

8           (1) That the vehicle which he is operating is involved in an accident or  
9 collision; and

10          (2) That the accident or collision has resulted in injury or death to any  
11 person;

12 shall immediately stop his vehicle at the scene of the accident or collision. He shall  
13 remain at the scene of the accident until a law-enforcement officer completes his  
14 investigation of the accident or collision or authorizes him to leave; Provided, however,  
15 that he may leave to call for a law-enforcement officer or for medical assistance or  
16 medical treatment as set forth in (b), but must return to the accident scene within a  
17 reasonable period of time. A willful violation of this subsection shall be punished as a  
18 Class ~~I~~H felony."

19 **—FALSE AFFIDAVITS**

20       Sec. 149. G.S. 20-279.31(c1) reads as rewritten:

21       "(c1) Any person who makes a false affidavit or knowingly swears or affirms  
22 falsely to any matter under G.S. 20-279.5, 20-279.6, or 20-279.7 is guilty of ~~perjury and~~  
23 ~~shall be punished as provided in G.S. 14-209.~~ a Class I felony."

24 **—UNLAWFUL CHANGE OF MILEAGE**

25       Sec. 150. G.S. 20-350 reads as rewritten:

26 **"§ 20-350. Criminal offense.**

27       Any person, firm or corporation violating G.S. 20-343 shall be guilty of a Class ~~J~~I  
28 felony. A violation of any remaining provision of this Article shall be a misdemeanor."

29 **—FALSE SWEARING; PENALTY**

30       Sec. 151. G.S. 23-43 reads as rewritten:

31 **"§ 23-43. False swearing; penalty.**

32       If any insolvent or imprisoned debtor takes any oath prescribed in this chapter  
33 falsely and corruptly, ~~and upon indictment for perjury is convicted thereof, he shall~~  
34 ~~suffer all the pains of perjury, that person is guilty of a Class I felony,~~ and he shall never  
35 after have any of the benefits of this chapter, but may be sued and imprisoned as though  
36 he had never been discharged."

37 **—COMPENSATION FOR PLACING OR ARRANGING PLACEMENT OF**  
38 **CHILD**

39       Sec. 152. G.S. 48-37 reads as rewritten:

40 **"§ 48-37. Compensation for placing or arranging placement of child for adoption**  
41 **prohibited.**

42       No person, agency, association, corporation, institution, society or other  
43 organization, except a licensed child-placing agency as defined by G.S. 48-2(4), or a  
44 county department of social services, shall offer or give, charge or accept any fee,

1 compensation, consideration or thing of value for receiving or placing, arranging the  
2 placement of, or assisting in placing or arranging the placement of, any child for  
3 adoption. Provided, that the adoptive parents may pay the reasonable and actual  
4 medical expenses incurred by the biological mother incident to the birth of the child,  
5 and provided that in the petition for adoption the adoptive parents must disclose the  
6 amount of these payments and must represent that there were no gifts or payments of, or  
7 promises to give or pay, any other fee, compensation, consideration, or thing of value  
8 such as is prohibited by this section. The act of preparing and filing the adoption  
9 proceeding before the court shall not be construed as receiving or placing, arranging the  
10 placement of, or assisting in placing or arranging the placement of, any child for  
11 adoption. Any person who violates any provision of this section shall be guilty of a  
12 misdemeanor, and upon conviction or plea of guilty shall be fined or imprisoned or both  
13 at the discretion of the court. Any person who is convicted of or pleads guilty to a  
14 second or subsequent violation of this section shall be guilty of a ~~felony and shall be~~  
15 ~~imprisoned for not more than three years or fined~~ Class H felony which may include a  
16 fine not more than ten thousand dollars (\$10,000) or both at the discretion of the court.  
17 (\$10,000)."

18 **—EXAMINER MAKING FALSE REPORT**

19 Sec. 153. G.S. 53-124 reads as rewritten:

20 **"§ 53-124. Examiner making false report.**

21 If any bank examiner shall knowingly and willfully make any false or fraudulent  
22 report of the condition of any bank, which shall have been examined by him, with the  
23 intent to aid or abet the officers, owners, or agents of such bank in continuing to operate  
24 an insolvent bank, or if any such examiner shall keep or accept any bribe or gratuity  
25 given for the purpose of inducing him not to file any report of examination of any bank  
26 made by him, or shall neglect to make an examination of any bank by reason of having  
27 received or accepted any bribe or gratuity, he shall be guilty of a ~~felony, and on~~  
28 ~~conviction thereof shall be imprisoned in the State prison for not less than four months~~  
29 ~~nor more than 10 years.~~ Class H felony."

30 **—MISAPPLICATION, EMBEZZLEMENT OF FUNDS, ETC**

31 Sec. 154. G.S. 53-129 reads as rewritten:

32 **"§ 53-129. Misapplication, embezzlement of funds, etc.**

33 Whoever being an officer, employee, agent or director of a bank, with intent to  
34 defraud or injure the bank, or any person or corporation, or to deceive an officer of the  
35 bank or an agent appointed to examine the affairs of such bank, embezzles, abstracts, or  
36 misapplies any of the money, funds, credit or property of such bank, whether owned by  
37 it or held in trust, or who, with such intent, willfully and fraudulently issues or puts  
38 forth a certificate of deposit, draws an order or bill of exchange, makes an acceptance,  
39 assigns a note, bond, draft, bill of exchange, mortgage, judgment, decree or fictitiously  
40 borrows or solicits, obtains or receives money for a bank not in good faith, intended to  
41 become the property of such bank; or whoever being an officer, employee, agent, or  
42 director of a bank, makes or permits the making of a false statement or certificate, as to  
43 a deposit, trust fund or contract, or makes or permits to be made a false entry in a book,  
44 report, statement or record of such bank, or conceals or permits to be concealed by any

1 means or manner, the true and correct entries of said bank, or its true and correct  
2 transactions, who knowingly loans, or permits to be loaned, the funds or credit of any  
3 bank to any insolvent company or corporation, or corporation which has ceased to exist,  
4 or which never had any existence, or upon collateral consisting of stocks or bonds of  
5 such company or corporation, or who makes or publishes or knowingly permits to be  
6 made or published a false report, statement or certificate as to the true financial  
7 condition of such bank, shall be punished as a Class ~~E~~H felon."

8 **—MAKING FALSE ENTRIES IN BANKING ACCOUNTS**

9 Sec. 155. G.S. 53-130 reads as rewritten:

10 **"§ 53-130. Making false entries in banking accounts; misrepresenting assets and**  
11 **liabilities of banks.**

12 If any person shall willfully and knowingly subscribe to, or make, or cause to be  
13 made, any false statement or false entry in the books of any bank, or shall knowingly  
14 subscribe to or exhibit false papers, with intent to deceive any person authorized to  
15 examine into the affairs of such bank, or shall willfully and knowingly make, state or  
16 publish any false statement of the amount of the assets or liabilities of any bank, he shall  
17 be guilty of a ~~felony, and upon conviction thereof shall be imprisoned in the State's~~  
18 ~~prison not less than four months nor more than 10 years.~~ Class H felony."

19 **—FALSE CERTIFICATION OF A CHECK**

20 Sec. 156. G.S. 53-131 reads as rewritten:

21 **"§ 53-131. False certification of a check.**

22 Whoever, being an officer, employee, agent, or director of a bank, certifies a check  
23 drawn on such bank, and willfully fails to forthwith charge the amount thereof against  
24 the account of the drawer thereof, or willfully certifies a check drawn on such bank  
25 unless the drawer of such check has on deposit with the bank an amount of money  
26 subject to the payment of such check and equivalent to the amount therein specified,  
27 shall be guilty of a ~~felony, and upon conviction shall be fined~~ Class I felony which may  
28 include a fine not more than five thousand dollars (\$5,000) or imprisoned in the State  
29 prison for not more than five years, or both. (\$5,000)."

30 **—RECEIVING DEPOSITS IN INSOLVENT BANKS**

31 Sec. 157. G.S. 53-132 reads as rewritten:

32 **"§ 53-132. Receiving deposits in insolvent banks.**

33 Any person, being an officer or employee of a bank, who receives, or being an  
34 officer thereof, permits an employee to receive money, checks, drafts, or other property  
35 as a deposit therein when he has knowledge that such bank is insolvent, shall be guilty  
36 of a ~~felony, and upon conviction thereof shall be fined~~ Class I felony which may include  
37 a fine not more than five thousand dollars (\$5,000) or imprisoned in the State prison not  
38 more than five years, or both. (\$5,000). Provided, that in any indictment hereunder,  
39 insolvency shall not be deemed to include insolvency as defined under paragraph d of  
40 subdivision (3) in the definition of insolvency under G.S. 53-1."

41 **—MAINTENANCE OF RECORDS AND ASSETS**

42 Sec. 158. G.S. 58-7-50(c) reads as rewritten:

43 "(c) The removal from this State of all or a material part of the records or assets of  
44 a domestic insurer that has its home or principal office outside this State except pursuant

1 to a plan of merger or consolidation approved by the Commissioner under or for such  
2 reasonable purposes and periods of time as may be approved by the Commissioner in  
3 writing in advance of such removal, or concealment of such records or assets or material  
4 part thereof from the Commissioner is prohibited. Any person who, without the prior  
5 approval of the Commissioner, removes or attempts to remove such records or assets or  
6 such material part thereof from the office or offices in which they are required to be  
7 kept and maintained under subsection (a) of this section or who conceals or attempts to  
8 conceal such records from the Commissioner, in violation of this subsection, shall be  
9 guilty of a Class ~~J-I~~ felony. Upon any removal or attempted removal of such records or  
10 assets or upon retention of such records or assets or material part thereof outside this  
11 State, beyond the period therefor specified in the consent of the Commissioner under  
12 which consent the records were so removed thereat, or upon concealment of or attempt  
13 to conceal records or assets in violation of this section, the Commissioner may institute  
14 delinquency proceedings against the insurer pursuant to the provisions of Article 30 of  
15 this Chapter."

16 **—INSURANCE HOLDING COMPANIES**

17 Sec. 159. G.S. 58-19-50(d) reads as rewritten:

18 "(d) Whenever it appears to the Commissioner that any insurer or any director,  
19 officer, employee, or agent thereof has knowingly and willfully committed a violation  
20 of this Article, the Commissioner may cause criminal proceedings to be instituted by the  
21 Superior Court of Wake County against such insurer or the responsible director, officer,  
22 employee, or agent thereof. Any insurer that knowingly and willfully violates this  
23 Article may be fined not more than one thousand dollars (\$1,000). Any individual who  
24 knowingly and willfully violates this Article is guilty of a Class ~~J~~ felony and is subject  
25 to a fine in his individual capacity, imprisonment, or both, in the discretion of the court.  
26 I felony."

27 Sec. 160. G.S. 58-19-50(e) reads as rewritten:

28 "(e) Any officer, director, or employee of an insurance holding company system  
29 who knowingly and willfully subscribes to or makes or causes to be made any false  
30 statements or false reports or false filings with the intent to deceive the Commissioner in  
31 the performance of his duties under this Article, is guilty of a Class ~~J~~ felony, and is  
32 subject to a fine, imprisonment, or both, in the discretion of the court. I felony. Any  
33 fines imposed shall be paid by the officer, director, or employee in his individual  
34 capacity."

35 **—FRATERNAL BENEFIT SOCIETIES; PENALTIES**

36 Sec. 161. G.S. 58-24-180(e) reads as rewritten:

37 "(e) Any person who willfully makes any false statement under oath in any  
38 verified report or declaration that is required by law from fraternal benefit societies, is  
39 guilty of perjury under G.S. 14-209, a Class I felony."

40 **—WILLFUL FAILURE TO PAY GROUP INSURANCE PREMIUMS**

41 Sec. 162. G.S. 58-50-40(c) reads as rewritten:

42 "(c) Any insurance fiduciary who violates subsection (b) of this section shall be  
43 guilty of a Class ~~J-H~~ felony."

44 **—COLLECTION AGENCIES**

1           Sec. 163. G.S. 58-70-1 reads as rewritten:

2   "**§ 58-70-1. Permit from Commissioner of Insurance; penalty for violation;**  
3       **exception.**

4       No person, firm, corporation, or association shall conduct or operate a collection  
5 agency or do a collection agency business, as the same is hereinafter defined in this  
6 Article, until he or it shall have secured a permit therefor as provided in this Article.  
7 Any person, firm, corporation or association conducting or operating a collection  
8 agency or doing a collection agency business without the permit shall be guilty of a  
9 Class ~~J-I~~ felony. Any officer or agent of any person, firm, corporation or association,  
10 who shall personally and knowingly participate in any violation of the remaining  
11 provisions of this Part shall be guilty of a misdemeanor. Provided, however, that  
12 nothing in this section shall be construed to require a regular employee of a duly  
13 licensed collection agency in this State to procure a collection agency permit."

14   —**MONTHLY REPORT REQUIRED; BONDSMEN**

15           Sec. 164. G.S. 58-71-165 reads as rewritten:

16   "**§ 58-71-165. Monthly report required.**

17       Each professional bail bondsman and surety bondsman shall file with the  
18 Commissioner of Insurance a written report in form prescribed by the Commissioner  
19 regarding all bail bonds on which the bondsman is liable as of the first day of each  
20 month showing (i) each individual bonded, (ii) the date the bond was given, (iii) the  
21 principal sum of the bond, (iv) the State or local official to whom given, and (v) the fee  
22 charged for the bonding service in each instance. The report shall be filed on or before  
23 the fifteenth day of each month. Within the same time, a copy of this written report  
24 must also be filed with the clerk of superior court in any county in which the bondsman  
25 is obligated on bail bonds. Any person who knowingly and willfully falsifies a report  
26 required by this section is guilty of a Class ~~J-I~~ felony."

27   —**EMBEZZLEMENT OF C.O.D. SHIPMENTS**

28           Sec. 165. G.S. 62-273 reads as rewritten:

29   "**§ 62-273. Embezzlement of C.O.D. shipments.**

30       Property received by any motor carrier to be transported in intrastate commerce and  
31 delivered upon collection on such delivery and remittance to the shipper of the sum of  
32 money stated in the shipping instructions to be collected and remitted to the shipper, and  
33 the money collected upon delivery of such party, is hereby declared to be held in trust  
34 by any carrier having possession thereof or the carrier making the delivery or collection,  
35 and upon failure of any such carrier to account for the property so received, either to the  
36 shipper to whom the collection is payable or the carrier making delivery to any carrier  
37 handling the property or making the collection, within 15 days after demand in writing  
38 by the shipper, or carrier, or upon failure of the delivering carrier to remit the sum so  
39 directed to be collected and remitted to the shipper, within 15 days after collection is  
40 made, shall be prima facie evidence that the property so received, or the funds so  
41 received, has been wilfully converted by such carrier to its own use, and the carrier so  
42 offending shall be guilty of a Class H felony ~~and upon conviction shall be punished by~~  
43 ~~fine or imprisonment, or both, in the discretion of the court,~~ and such carrier may be  
44 indicted, tried, and punished in the county in which such shipment was delivered to the

1 carrier or in any other county into or through which such shipment was transported by  
2 such carrier."

3 **—TAKING OF AIRCRAFT MADE CRIME OF LARCENY**

4 Sec. 166. G.S. 63-25 reads as rewritten:

5 **"§ 63-25. Taking of aircraft made crime of larceny.**

6 Any person who, under circumstances not constituting larceny shall, without the  
7 consent of the owner, take, use or operate or cause to be taken, used or operated, an  
8 airplane or other aircraft or its equipment, for his own profit, purpose or pleasure, steals  
9 the same, is guilty of ~~larceny and is punishable accordingly~~ a Class H felony."

10 **—OPERATION OF AIRCRAFT WHILE IMPAIRED**

11 Sec. 167. G.S. 63-27(e) reads as rewritten:

12 "(e) Punishment. – A person violating this section shall be guilty of a  
13 misdemeanor and shall be punished by imprisonment of not more than two years or a  
14 fine not to exceed one thousand dollars (\$1,000) or both. Provided, however, for a  
15 second and all subsequent convictions of this section, a person shall be guilty of a Class  
16 J-I felony."

17 **—INJURY BY OPERATION OF AN AIRCRAFT WHILE IMPAIRED**

18 Sec. 168. G.S. 63-28(d) reads as rewritten:

19 "(d) Punishment.—Violation of this section is a Class ~~H-F~~ J-I felony."

20 **—FAILURE TO DEPOSIT TRUST FUNDS**

21 Sec. 169. G.S. 65-71(a) reads as rewritten:

22 "(a) Except as provided in this subsection, a person violating any provisions of  
23 this Article, of any order or rule promulgated under this Article, or of any license issued  
24 by the Commission is guilty of a misdemeanor and shall be fined, imprisoned, or both,  
25 in the discretion of the court. Each failure to deposit funds in a trust fund in accordance  
26 with this Article is a separate offense. A person who has failed to deposit funds in a  
27 trust fund in accordance with this Article and whose delinquent deposits equal or exceed  
28 twenty thousand dollars (\$20,000) is guilty of a Class J-I felony."

29 **—BOND AND TRUST ACCOUNT REQUIRED**

30 Sec. 170. G.S. 66-135(d) reads as rewritten:

31 "(d) Violations of subsections (a) or (b) of this section shall constitute a Class J-I  
32 felony."

33 **—CREDIT REPAIR BUSINESS**

34 Sec. 171. G.S. 66-225(f) reads as rewritten:

35 "(f) The violation of any provision of this Article shall constitute an unfair trade  
36 practice under G.S. 75-1.1 and the violation of any provision of this Article shall  
37 constitute a Class J-I felony."

38 **—ANTITRUST INVESTIGATIONS; FALSE SWEARING**

39 Sec. 172. G.S. 75-12 reads as rewritten:

40 **"§ 75-12. Refusal to furnish information; false swearing.**

41 Any corporation or person unlawfully refusing or willfully neglecting to furnish the  
42 information required by this Chapter, when it is demanded as herein provided, shall be  
43 guilty of a misdemeanor and fined not less than one thousand dollars (\$1,000):  
44 Provided, that if any corporation or person shall in writing notify the Attorney General



1 that it objects to the time or place designated by him for the examination or inspection  
 2 provided for in this Chapter, it shall be his duty to apply to a justice or judge of the  
 3 appellate or superior court division, who shall fix an appropriate time and place for such  
 4 examination or inspection, and such corporation or person shall, in such event, be guilty  
 5 under this section only in the event of its failure, refusal or neglect to appear at the time  
 6 and place so fixed by the judge and furnish the information required by this Chapter.  
 7 False swearing by any person examined under the provisions of this Chapter shall  
 8 constitute perjury, and the person guilty of it shall be punishable as in other cases of  
 9 perjury. is a Class I felony."

10 **—MEDICAL WASTE**

11 Sec. 173. G.S. 75A-18(d)(2) reads as rewritten:

12 "(2) Willfully violates G.S. 75A-10(d) and in so doing releases medical  
 13 waste that creates a substantial risk of physical injury to any person  
 14 who is not a participant in the offense is guilty of a Class ~~I-F~~ felony  
 15 punishable by imprisonment, which may include a fine not to exceed  
 16 fifty thousand dollars (\$50,000) per day of violation, or both in the  
 17 discretion of the court. (\$50,000) per day of violation."

18 **—RICO FALSE TESTIMONY**

19 Sec. 174. G.S. 75D-7 reads as rewritten:

20 **"§ 75D-7. False testimony.**

21 False testimony as to any material fact by any person examined under the provisions  
 22 of this Chapter shall constitute perjury and a conviction shall be punishable as in other  
 23 cases of perjury as a Class ~~H~~F felony."

24 **—NAVIGABLE WATERS; CERTAIN PRACTICES REGULATED**

25 Sec. 175. G.S. 76-40(a1)(2) reads as rewritten:

26 "(2) A person who willfully violates this subsection and in so doing  
 27 releases medical waste that creates a substantial risk of physical injury  
 28 to any person who is not a participant in the offense is guilty of a Class  
 29 ~~I-F~~ felony punishable by imprisonment, which may include a fine not  
 30 to exceed fifty thousand dollars (\$50,000) per day of violation, or both  
 31 in the discretion of the court. (\$50,000) per day of violation."

32 **—REMEDIES FOR VIOLATION; CRIMINAL PENALTY**

33 Sec. 176. G.S. 78C-78(c) reads as rewritten:

34 "(c) An athlete agent commits an offense if the agent knowingly violates G.S.  
 35 78C-72(a) or G.S. 78C-76. An offense under this subsection shall be punished as a  
 36 Class ~~J-I~~ felony."

37 **—REGISTRAR REQUIRED; PROJECT BROKER**

38 Sec. 177. G.S. 93A-58(b) reads as rewritten:

39 "(b) A time share registrar shall be guilty of a Class ~~J-I~~ felony if he knowingly or  
 40 recklessly fails to record or cause to be recorded a time share instrument as required by  
 41 this Article.

42 A person responsible as general partner, corporate officer, joint venturer or sole  
 43 proprietor of the developer of a time share project shall be guilty of a Class I felony if

1 he intentionally allows the offering for sale or the sale of time share to purchasers  
2 without first designating a time share registrar."

3 ~~—HAZARDOUS SUBSTANCE TRADE SECRET INFORMATION~~

4 Sec. 178. G.S. 95-197(c) reads as rewritten:

5 "(c) The Commissioner of Labor and the Fire Chief shall protect from disclosure  
6 any or all information coming into either or both of their possession when such  
7 information is marked by the employer as confidential, and they shall return all  
8 information so marked to the employer at the conclusion of their determination by the  
9 Commissioner of Labor. Any person who has access to any hazardous substance trade  
10 secret solely pursuant to this section and who discloses it knowing it to be a hazardous  
11 substance trade secret to any person not authorized to receive it shall be guilty of a Class  
12 ~~II~~ I felony, and if knowingly or negligently disclosed to any person not authorized, shall  
13 be subject to civil action for damages and injunction by the owner of the hazardous  
14 substance trade secret, including, without limitation, actions under Article 24 of Chapter  
15 66 of the General Statutes."

16 ~~—FORGING OR COUNTERFEITING REVENUE STAMPS~~

17 Sec. 179. G.S. 105-113.34 reads as rewritten:

18 "**§ 105-113.34. Forging or counterfeiting revenue stamps.**

19 Any person who falsely or fraudulently makes, forges, alters or counterfeits, or  
20 causes or procures to be falsely or fraudulently made, forged, altered or counterfeited,  
21 any stamps prepared or prescribed by the Secretary under the authority of this Article,  
22 or who knowingly and wilfully utters, publishes, passes or tenders as true, any such  
23 false, altered, forged or counterfeited stamps for the purpose of evading the tax levied  
24 by this Article, shall be guilty of a Class I felony, ~~and upon conviction thereof shall be~~  
25 ~~fined which may include a fine not more than two thousand dollars (\$2,000) or~~  
26 ~~imprisoned in the State prison for a term of not more than five years, or both, in the~~  
27 ~~discretion of the court. (\$2,000).~~

28 If any person secures, manufactures or causes to be secured, or manufactured, or has  
29 in his possession any stamp or any counterfeit impression device not prescribed or  
30 authorized by the Secretary, such person shall be guilty of a ~~felony and subject to the~~  
31 ~~punishment above provided for in the first paragraph of this section. Class I felony."~~

32 ~~—PENALTIES FOR TAX LAW VIOLATIONS~~

33 Sec. 180. G.S. 105-236(7) reads as rewritten:

34 "(7) Attempt to Evade or Defeat Tax. – Any person who willfully attempts,  
35 or any person who aids or abets any person to attempt in any manner  
36 to evade or defeat any tax imposed by this Subchapter of the General  
37 Statutes, or the payment thereof, shall, in addition to other penalties  
38 provided by law, be guilty of a Class I felony ~~punishable by~~  
39 ~~imprisonment up to five years, which may include a fine up to twenty-~~  
40 ~~five thousand dollars (\$25,000), or both. (\$25,000)."~~

41 Sec. 181. G.S. 105-236(9a) reads as rewritten:

42 "(9a) Aid or Assistance. – Any person, pursuant to or in connection with the  
43 revenue laws, who willfully aids, assists in, procures, counsels, or  
44 advises the preparation, presentation, or filing of a return, affidavit,

1 claim, or any other document that he knows is fraudulent or false as to  
2 any material matter, whether or not the falsity or fraud is with the  
3 knowledge or consent of the person authorized or required to present  
4 or file the return, affidavit, claim, or other document, shall be guilty of  
5 a Class ~~J-I~~ felony ~~punishable by imprisonment up to three years, which~~  
6 ~~may include a fine up to ten thousand dollars (\$10,000), or both~~  
7 ~~(\$10,000)."~~

8 **---DENIAL, REVOCATION, AND SUSPENSION OF LICENSE**

9 Sec. 182. G.S. 106-145.6(b) reads as rewritten:

10 "(b) Criminal Sanctions. – It is unlawful to engage in wholesale distribution in this  
11 State without a wholesale distributor license or to violate any other provision of this  
12 Article. A person who violates this Article commits a Class H felony ~~and is punishable~~  
13 ~~in accordance with G.S. 14-1.1. A fine imposed for a violation of this Article may not~~  
14 ~~exceed two hundred fifty thousand dollars (\$250,000)."~~

15 **---SALE OF TUBERCULAR ANIMAL A FELONY**

16 Sec. 183. G.S. 106-350 reads as rewritten:

17 **"§ 106-350. Sale of tubercular animal a felony.**

18 Any person or persons who shall willfully and knowingly sell or otherwise dispose  
19 of any animal or animals known to be affected with tuberculosis without permission as  
20 provided for in G.S. 106-338 shall be guilty of a felony, ~~and punishable by~~  
21 ~~imprisonment of not less than one year or not more than five years in the State prison.~~  
22 Class I felony."

23 **---DAMAGING DIPPING VATS A FELONY**

24 Sec. 184. G.S. 106-363 reads as rewritten:

25 **"§ 106-363. Damaging dipping vats a felony.**

26 Any person or persons who shall willfully damage or destroy by any means any vat  
27 erected, or in the process of being erected, as provided for tick eradication, shall be  
28 guilty of a felony ~~and upon conviction shall be imprisoned not less than two years nor~~  
29 ~~more than 10 years in the State prison.~~ Class H felony."

30 **---ISSUANCE OF FALSE COMMODITY RECEIPT A FELONY**

31 Sec. 185. G.S. 106-443 reads as rewritten:

32 **"§ 106-443. Issuance of false receipt a felony; punishment.**

33 The manager of any warehouse, or any agent, employee, or servant, who issues or  
34 aids in issuing a receipt for cotton or other agricultural commodity without knowing that  
35 such cotton or other agricultural commodity has actually been placed in the warehouse  
36 under the control of the manager thereof shall be guilty of a Class I felony, ~~and upon~~  
37 ~~conviction be punished for each offense by imprisonment in the State penitentiary for a~~  
38 ~~period of not less than one or more than five years, or by which may include a fine not~~  
39 ~~exceeding 10 times the market value of the cotton or other agricultural commodity thus~~  
40 ~~represented as having been stored."~~

41 **---INSPECTION OF PACKING PLANT; BRIBERY**

42 Sec. 186. G.S. 106-549.26 reads as rewritten:

43 **"§ 106-549.26. Inspection of establishment; bribery of or malfeasance of inspector.**

1 The Commissioner or his authorized representative shall appoint from time to time  
2 inspectors to make examination and inspection of all cattle, sheep, swine, goats, fallow  
3 deer, horses, mules, and other equines the inspection of which is hereby provided for,  
4 and of all carcasses and parts thereof, and of all meats and meat food products thereof,  
5 and of the sanitary conditions of all establishments in which such meat and meat food  
6 products hereinbefore described are prepared; and said inspectors shall refuse to stamp,  
7 mark, tag or label any carcass or any part thereof, or meat food product therefrom,  
8 prepared in any establishment hereinbefore mentioned, until the same shall have  
9 actually been inspected and found to be not adulterated; and shall perform such other  
10 duties as are provided by this and the subsequent Article and by the rules and  
11 regulations to be prescribed by said Board and said Board shall, from time to time,  
12 make such rules and regulations as are necessary for the efficient execution of the  
13 provisions of this and the subsequent Article, and all inspections and examinations  
14 made under this Article shall be such and made in such manner as described in the rules  
15 and regulations prescribed by said Board not inconsistent with the provisions of this  
16 Article and as directed by the Commissioner or his authorized representative. Any  
17 person, firm, or corporation, or any agent or employee of any person, firm, or  
18 corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, or any  
19 other officer or employee of this State authorized to perform any of the duties  
20 prescribed by this and the subsequent Article or by the rules and regulations of the  
21 Board or by the Commissioner or his authorized representative any money or other  
22 thing of value, with intent to influence said inspector, or other officer or employee of  
23 this State in the discharge of any duty herein provided for, shall be deemed guilty of a  
24 Class I felony and, upon conviction thereof, shall be punished by which may include a  
25 fine not less than five hundred dollars (\$500.00) nor more than ten thousand dollars  
26 (\$10,000) and by imprisonment for not less than one year nor more than three years;  
27 (\$10,000); and any inspector, or other officer or employee of this State authorized to  
28 perform any of the duties prescribed by this Article who shall accept any money, gift, or  
29 other thing of value from any person, firm, or corporation, or officers, agents, or  
30 employees thereof, given with intent to influence his official action, or who shall  
31 receive or accept from any person, firm, or corporation engaged in intrastate commerce  
32 any gift, money, or other thing of value given with any purpose or intent whatsoever,  
33 shall be deemed guilty of a Class I felony and shall, upon conviction thereof, be  
34 summarily discharged from office and shall may be punished by a fine not less than five  
35 hundred dollars (\$500.00) nor more than ten thousand dollars (~~\$10,000~~) and by  
36 imprisonment for not less than one year nor more than three years. (~~\$10,000~~)."

37 **—FRAUDULENT MISREPRESENTATION**

38 Sec. 187. G.S. 108A-53(a) reads as rewritten:

39 "(a) Any person, whether provider or recipient or person representing himself as  
40 such, who knowingly obtains or attempts to obtain, or aids or abets any person to obtain  
41 by means of making a willfully false statement or representation or by impersonation or  
42 by failing to disclose material facts or in any manner not authorized by this Part or the  
43 regulations issued pursuant thereto, transfers with intent to defraud any food stamps or  
44 authorization cards to which he is not entitled in the amount of two thousand dollars

1 (\$2,000) or less shall be guilty of a misdemeanor. Whoever knowingly obtains or  
 2 attempts to obtain, or aids or abets any person to obtain by means of making a willfully  
 3 false statement or representation or by impersonation or by failing to disclose material  
 4 facts or in any manner not authorized by this Part or the regulations issued pursuant  
 5 thereto, transfers with intent to defraud any food stamps or authorization cards to which  
 6 he is not entitled in an amount more than two thousand dollars (\$2,000) shall be guilty  
 7 of a ~~felony and shall be punished as in cases of larceny.~~ Class I felony."

8 **—PROTECTION OF PATIENT PROPERTY**

9 Sec. 188. G.S. 108A-60(b) reads as rewritten:

10 "(b) A violation of subdivision (a)(1) of this section shall be a misdemeanor  
 11 punishable by a fine of not more than two thousand dollars (\$2,000) or imprisonment  
 12 for not more than two years, or both, in the discretion of the court. A violation of  
 13 subdivision (a)(2) of this section shall be a ~~Class H~~ Class I felony."

14 **—TAKING POLLUTED SHELLFISH**

15 Sec. 189. G.S. 113-209(d) reads as rewritten:

16 "(d) Any person violating any provisions of this section shall be guilty of a Class I  
 17 felony ~~and upon conviction shall, at a minimum, be fined which may include a fine no~~  
 18 ~~less than two thousand five hundred dollars (\$2,500) or be imprisoned for no less than~~  
 19 ~~one year. A second or subsequent conviction under this section within two years of a~~  
 20 ~~preceding conviction shall be punished by imprisonment for no less than three years.~~  
 21 (\$2,500). Upon conviction of any person for a violation of this section, the court shall  
 22 order the confiscation of all weapons, equipment, vessels, vehicles, conveyances, fish,  
 23 and other evidence, fruit, and instrumentalities of the offense. The confiscated property  
 24 shall be disposed of in accordance with G.S. 113-137."

25 **—BRIBERY, ETC**

26 Sec. 190. G.S. 120-86(e) reads as rewritten:

27 "(e) Violation of subsection (a) or (b) is a ~~Class H~~ Class F felony. Violation of subsection  
 28 (c) is not a crime but is punishable under G.S. 120-103."

29 **—CRIMINAL VIOLATION OF HAZARDOUS WASTE LAW**

30 Sec. 191. G.S. 130A-26.1(f) reads as rewritten:

31 "(f) Any person who knowingly and willfully does any of the following shall be  
 32 guilty of a Class I felony, ~~punishable by which may include~~ a fine not to exceed one  
 33 hundred thousand dollars (\$100,000) per day of violation, provided that this fine shall  
 34 not exceed a cumulative total of five hundred thousand dollars (\$500,000) for each  
 35 period of 30 days during which a violation ~~continues, or by imprisonment not to exceed~~  
 36 ~~five years, or by both.~~ continues:

- 37 (1) Transports or causes to be transported any hazardous waste identified  
 38 or listed under G.S. 130A-294(c) to a facility which does not have a  
 39 permit or interim status under G.S. 130A-294(c) or 42 U.S.C. § 6921,  
 40 **et seq.**
- 41 (2) Transports or causes to be transported such hazardous waste with the  
 42 intent of delivery to a facility without a permit.
- 43 (3) Treats, stores, or disposes of such hazardous waste without a permit or  
 44 interim status under G.S. 130A-294(c) or 42 U.S.C. § 6921, **et seq.**, or

1 in knowing violation of any material condition or requirement or such  
2 permit or applicable interim status rules."

3 Sec. 192. G.S. 130A-26.1(g) reads as rewritten:

4 "(g) Any person who knowingly and willfully does any of the following shall be  
5 guilty of a Class ~~J-I~~ felony, ~~punishable by which may include~~ a fine not to exceed one  
6 hundred thousand dollars (\$100,000) per day of violation, provided that the fine shall  
7 not exceed a cumulative total of five hundred thousand dollars (\$500,000) for each  
8 period of 30 days during which a violation ~~continues, or by imprisonment not to exceed~~  
9 ~~three years, or by both:~~ continues:

- 10 (1) Transports or causes to be transported hazardous waste without a  
11 manifest as required under G.S. 130A-294(c).
- 12 (2) Transports hazardous waste without a United States Environmental  
13 Protection Agency identification number as required by rules  
14 promulgated under G.S. 130A-294(c).
- 15 (3) Omits material information or makes any false material statement or  
16 representation in any application, label, manifest, record, report,  
17 permit, or other document filed, maintained, or used for purposes of  
18 compliance with rules promulgated under G.S. 130A-294(c).
- 19 (4) Generates, stores, treats, transports, disposes of, exports, or otherwise  
20 handles any hazardous waste or any used oil burned for energy  
21 recovery and who knowingly destroys, alters, conceals, or fails to file  
22 any record, application, manifest, report, or other document required to  
23 be maintained or filed for purposes of compliance with rules  
24 promulgated under G.S. 130A-294(c)."

25 Sec. 193. G.S. 130A-26.1(i)(1) reads as rewritten:

26 "(1) Any person who knowingly transports, treats, stores, disposes of, or  
27 exports any hazardous waste or used oil regulated under G.S. 130A-  
28 294(c) in violation of subsection (f) or (g) of this section, who knows  
29 at the time that he thereby places another person in imminent danger of  
30 death or personal bodily injury shall be guilty of a Class ~~H-C~~ felony  
31 ~~punishable by imprisonment not to exceed 10 years or by which may~~  
32 ~~include~~ a fine not to exceed two hundred fifty thousand dollars  
33 (\$250,000) per day of violation, provided that this fine shall not exceed  
34 a cumulative total of one million dollars (\$1,000,000) for each period  
35 of 30 days during which a violation ~~continues, or by both, in the~~  
36 ~~discretion of the court.~~ continues."

### 37 **—CERTAIN VACCINE DIVERSIONS MADE FELONY**

38 Sec. 194. G.S. 130A-431 reads as rewritten:

39 **"§ 130A-431. Certain vaccine diversions made felony.**

40 Any person who (i) receives a vaccine designated by the manufacturer for use in  
41 the State, (ii) directly or indirectly diverts the vaccine to a location outside the State, and  
42 (iii) directly or indirectly profits as a result of this diversion, is guilty of a Class ~~J~~  
43 ~~felony, punishable by imprisonment up to three years, or a fine, or both.~~ I felony. The  
44 fine shall be twenty-five dollars (\$25.00) per dose of the diverted vaccine or one

1 hundred thousand dollars (\$100,000), whichever is less. A health care professional  
2 convicted of a ~~Class J~~Class I felony pursuant to this section who is found by the court  
3 to have diverted more than 300 doses of covered vaccine shall have his license  
4 suspended for one year."

5 **—BID-RIGGING**

6 Sec. 195. G.S. 133-31 reads as rewritten:

7 **"§ 133-31. Perjury; punishment.**

8 Any person who shall willfully commit perjury in any affidavit taken pursuant to  
9 this Article or rules pursuant thereto shall be guilty of a felony and shall be punished as  
10 a ~~Class H~~I felon."

11 **—MALFEASANCE OF OFFICERS AND EMPLOYEES OF DOT**

12 Sec. 196. G.S. 136-13(c) reads as rewritten:

13 "(c) The violation of any of the provisions of this section shall be cause for  
14 forfeiture of public office and shall be a Class H felony ~~punishable by which may~~  
15 include a fine of not more than twenty thousand dollars (\$20,000) or three times the  
16 monetary equivalent of the thing of value whichever is ~~greater, or imprisonment of not~~  
17 ~~more than 10 years, or both such fine and imprisonment.~~ greater."

18 **—DOT CONFLICT OF INTEREST REGULATIONS**

19 Sec. 197. G.S. 136-14 reads as rewritten:

20 **"§ 136-14. Members not eligible for other employment with Department; no sales**  
21 **to Department by employees; members not to sell or trade property with**  
22 **Department; profiting from official position.**

23 No member of the Board of Transportation shall be eligible to any other  
24 employment in connection with the Department of Transportation, and no member of  
25 the Board of Transportation or any salaried employee of the Department of  
26 Transportation shall furnish or sell any supplies or materials, directly or indirectly, to  
27 the Department of Transportation, nor shall any member of the Board of Transportation,  
28 directly or indirectly, engage in any transaction involving the sale of or trading of real or  
29 personal property with the Department of Transportation, or profit in any manner by  
30 reason of his official action or his official position, except to receive such salary, fees  
31 and allowances as by law provided. Violation of this section shall be a Class I felony  
32 ~~punishable by which may include a fine of not more than twenty thousand dollars~~  
33 ~~(\$20,000), or three times the value of the transaction, or by both fine and imprisonment.~~  
34 transaction."

35 **—NO BID COLLUSION**

36 Sec. 198. G.S. 143-54 reads as rewritten:

37 **"§ 143-54. Certification that bids were submitted without collusion.**

38 The Director of Administration shall require bidders to certify that each bid is  
39 submitted competitively and without collusion. False certification ~~shall be punishable as~~  
40 ~~in cases of perjury.~~ is a Class I felony."

41 **—DOA/ABC CONFLICT OF INTEREST REGULATIONS**

42 Sec. 199. G.S. 143-63 reads as rewritten:

43 **"§ 143-63. Financial interest of officers in sources of supply; acceptance of bribes.**

1 Neither the Secretary of Administration, nor any assistant of his, nor any member of  
2 the Advisory Budget Commission shall be financially interested, or have any personal  
3 beneficial interest, either directly or indirectly, in the purchase of, or contract for, any  
4 materials, equipment or supplies, nor in any firm, corporation, partnership or association  
5 furnishing any such supplies, materials or equipment to the State government, or any of  
6 its departments, institutions or agencies, nor shall such Secretary, assistant, or member  
7 of the Commission accept or receive, directly or indirectly, from any person, firm or  
8 corporation to whom any contract may be awarded, by rebate, gifts or otherwise, any  
9 money or anything of value whatsoever, or any promise, obligation or contract for  
10 future reward or compensation. Any violation of this section shall be deemed a ~~felony~~  
11 ~~and shall be punishable by fine or imprisonment, or both.~~ Class F felony. Upon  
12 conviction thereof, any such Secretary, assistant or member of the Commission shall be  
13 removed from office."

14 **---PROHIBITED DISPOSAL OF MEDICAL WASTE**

15 Sec. 200. G.S. 143-214.2A(c)(2) reads as rewritten:

16 "(2) A person who willfully violates this section and in so doing releases  
17 medical waste that creates a substantial risk of physical injury to any  
18 person who is not a participant in the offense is guilty of a ~~Class F~~  
19 ~~felony punishable by imprisonment, which may include a fine not to~~  
20 ~~exceed fifty thousand dollars (\$50,000) per day of violation, or both in~~  
21 ~~the discretion of the court.~~ violation."

22 **---WATER QUALITY: CRIMINAL PENALTIES**

23 Sec. 201. G.S. 143-215.6B(g) reads as rewritten:

24 "(g) Any person who knowingly and willfully violates any (i) classification,  
25 standard, or limitation established in rules adopted by the Commission pursuant to G.S.  
26 143-214.1, 143-214.2, or 143-215; (ii) term, condition, or requirement of a permit  
27 issued pursuant to this Part, including permits issued pursuant to G.S. 143-215.1,  
28 pretreatment permits issued by local governments, and laboratory certifications; or (iii)  
29 term, condition, or requirement of a special order or other appropriate document issued  
30 pursuant to G.S. 143-215.2; and any person who knowingly and willfully fails to apply  
31 for or to secure a permit required by G.S. 143-215.1 shall be guilty of a ~~Class F-I~~  
32 ~~felony, punishable by which may include a fine not to exceed one hundred thousand dollars~~  
33 ~~(\$100,000) per day of violation, provided that this fine shall not exceed a cumulative~~  
34 ~~total of five hundred thousand dollars (\$500,000) for each period of 30 days during~~  
35 ~~which a violation continues, or by imprisonment not to exceed three years, or by both~~  
36 ~~continues.~~ For the purposes of this subsection, the phrase 'knowingly and willfully'  
37 shall mean intentionally and consciously as the courts of this State, according to the  
38 principles of common law interpret the phrase in the light of reason and experience."

39 Sec. 202. G.S. 143-215.6B(h)(1) reads as rewritten:

40 "(1) Any person who knowingly violates any: (i) classification, standard, or  
41 limitation established in rules adopted by the Commission pursuant to  
42 G.S. 143-214.1, 143-214.2, 143-215; (ii) term, condition, or  
43 requirement of a permit issued pursuant to this Part, including permits  
44 issued pursuant to G.S. 143-215.1, pretreatment permits issued by



1 local governments, and laboratory certifications; or (iii) term,  
 2 condition, or requirement of a special order or other appropriate  
 3 document issued pursuant to G.S. 143-215.2; and any person who  
 4 knowingly fails to apply for or to secure a permit required by G.S.  
 5 143-215.1 and who knows at that time that he thereby places another  
 6 person in imminent danger of death or serious bodily injury shall be  
 7 guilty of a Class ~~H-C~~ felony, ~~punishable by which may include~~ a fine  
 8 not to exceed two hundred fifty thousand dollars (\$250,000) per day of  
 9 violation, provided that this fine shall not exceed a cumulative total of  
 10 one million dollars (\$1,000,000) for each period of 30 days during  
 11 which a violation ~~continues, or by imprisonment not to exceed 10~~  
 12 ~~years, or by both. continues."~~

13 Sec. 203. G.S. 143-215.6B(j) is repealed.

14 **---HAZARDOUS SUBSTANCES: CRIMINAL PENALTIES**

15 Sec. 204. G.S. 143-215.88B(e) reads as rewritten:

16 "(e) Any person who knowingly and willfully discharges or causes or permits the  
 17 discharge of oil or other hazardous substances in violation of this Part shall be guilty of  
 18 a Class ~~J-H~~ felony ~~punishable by imprisonment not to exceed three years or by which~~  
 19 ~~may include~~ a fine to be not more than one hundred thousand dollars (\$100,000) per day  
 20 of violation, provided that this fine shall not exceed a cumulative total of five hundred  
 21 thousand dollars (\$500,000) for each period of 30 days during which a violation  
 22 ~~continues, or by both, in the discretion of the court. continues.~~ For the purposes of this  
 23 subsection, the phrase 'knowingly and willfully' shall mean intentionally and  
 24 consciously as the courts of this State, according to the principles of common law  
 25 interpret the phrase in the light of reason and experience."

26 Sec. 205. G.S. 143-215.88B(f)(1) reads as rewritten:

27 "(1) Any person who knowingly discharges or causes or permits the  
 28 discharge of oil or other hazardous substances in violation of this Part,  
 29 and who knows at that time that he places another person in imminent  
 30 danger of death or serious bodily injury shall be guilty of a Class ~~H-C~~  
 31 felony ~~punishable by imprisonment not to exceed 10 years or by which~~  
 32 ~~may include~~ a fine not to exceed two hundred fifty thousand dollars  
 33 (\$250,000) per day of violation, provided that this fine shall not exceed  
 34 a cumulative total of one million dollars (\$1,000,000) for each period  
 35 of 30 days during which a violation ~~continues, or by both, in the~~  
 36 ~~discretion of the court. continues."~~

37 **---AIR QUALITY: CRIMINAL PENALTIES**

38 Sec. 206. G.S. 143-215.114B(g) reads as rewritten:

39 "(g) Any person who knowingly and willfully violates any classification, standard,  
 40 or limitation established in the rules of the Commission pursuant to G.S. 143-215.107 or  
 41 any term, condition, or requirement of a permit issued pursuant to G.S. 143-215.108 or  
 42 of a special order or other appropriate document issued pursuant to G.S. 143-215.110,  
 43 shall be guilty of a Class ~~J-H~~ felony, ~~punishable by which may include~~ a fine not to  
 44 exceed one hundred thousand dollars (\$100,000) per day of violation, provided that this

1 fine shall not exceed a cumulative total of five hundred thousand dollars (\$500,000) for  
2 each period of 30 days during which a violation ~~continues, or by imprisonment not to~~  
3 ~~exceed three years, or by both.~~ continues. For the purposes of this subsection, the  
4 phrase 'knowingly and willfully' shall mean intentionally and consciously as the courts  
5 of this State, according to the principles of common law, interpret the phrase in the light  
6 of reason and experience."

7 Sec. 207. G.S. 143-215.114B(h)(1) reads as rewritten:

8 "(1) Any person who knowingly violates any classification, standard, or  
9 limitation established in the rules of the Commission pursuant to G.S.  
10 143-215.107 or any term, condition, or requirement of a permit issued  
11 pursuant to G.S. 143-215.108 or of a special order or other appropriate  
12 document issued pursuant to G.S. 143-215.110 and who knows at that  
13 time that he thereby places another person in imminent danger of death  
14 or serious bodily injury shall be guilty of a Class ~~H-C~~ felony,  
15 ~~punishable by which may include~~ a fine not to exceed two hundred  
16 fifty thousand dollars (\$250,000) per day of violation, provided that  
17 this fine shall not exceed a cumulative total of one million dollars  
18 (\$1,000,000) for each period of 30 days during which a violation  
19 ~~continues, or by imprisonment not to exceed 10 years or by both.~~  
20 continues."

21 Sec. 208. G.S. 143-215.114B(j) is repealed.

## 22 ~~---~~ESCAPING OR ATTEMPTING ESCAPE FROM PRISON

23 Sec. 209. G.S. 148-45(a) reads as rewritten:

24 "(a) Any person in the custody of the Department of Correction in any of the  
25 classifications hereinafter set forth who shall escape or attempt to escape from the State  
26 prison system, shall for the first such offense, except as provided in subsection (g) of  
27 this section, be guilty of a ~~misdemeanor and, upon conviction thereof, shall be punished~~  
28 ~~by imprisonment for not less than three months nor more than one year.~~ Class I felony:

- 29 (1) A prisoner serving a sentence imposed upon conviction of a  
30 misdemeanor;
- 31 (2) A person who has been charged with a misdemeanor and who has been  
32 committed to the custody of the Department of Correction under the  
33 provisions of G.S. 162-39;
- 34 (3) Repealed by Session Laws 1985, c. 226, s. 4, effective May 23, 1985.
- 35 (4) A person who shall have been convicted of a misdemeanor and who  
36 shall have been committed to the Department of Correction for  
37 presentence diagnostic study under the provisions of G.S. 15A-  
38 1332(c)."

39 Sec. 210. G.S. 148-45(b) reads as rewritten:

40 "(b) Any person in the custody of the Department of Correction, in any of the  
41 classifications hereinafter set forth, who shall escape or attempt to escape from the State  
42 prison system, shall, except as provided in subsection (g) of this section, be punished as  
43 a Class ~~J-I~~ felon.

- 44 (1) A prisoner serving a sentence imposed upon conviction of a felony;

- 1 (2) A person who has been charged with a felony and who has been  
 2 committed to the custody of the Department of Correction under the  
 3 provisions of G.S. 162-39;  
 4 (3) Repealed by Session Laws 1985, c. 226, s. 5, effective May 23, 1985.  
 5 (4) A person who shall have been convicted of a felony and who shall  
 6 have been committed to the Department of Correction for presentence  
 7 diagnostic study under the provisions of G.S. 15A-1332(c); or  
 8 (5) Any person previously convicted of escaping or attempting to escape  
 9 from the State prison system."

10 **—INFLICTION OF SELF-INJURY TO PRISONER**

11 Sec. 211. G.S. 148-46.1 reads as rewritten:

12 **"§ 148-46.1. Inflicting or assisting in infliction of self injury to prisoner resulting in  
 13 incapacity to perform assigned duties.**

14 Any person serving a sentence or sentences within the State prison system who,  
 15 during the term of such imprisonment, willfully and intentionally inflicts upon himself  
 16 any injury resulting in a permanent or temporary incapacity to perform work or duties  
 17 assigned to him by the State Department of Correction, or any prisoner who aids or  
 18 abets any other prisoner in the commission of such offense, shall be punished as a Class  
 19 ~~H-I~~felon."

20 **—ABSENTEE BALLOT LAW**

21 Sec. 212. G.S. 163-237(c) reads as rewritten:

22 "(c) Fraud in Connection with Absentee Vote; Forgery. – Any person attempting  
 23 to aid and abet fraud in connection with any absentee vote cast or to be cast, under the  
 24 provisions of this Article, shall be guilty of a misdemeanor. ~~Any person attempting~~  
 25 Attempting to vote by fraudulently signing the name of a regularly qualified voter ~~shall~~  
 26 ~~be guilty of forgery, and be punished accordingly.~~ is a Class I felony."

27 **—CAMPAIGN FINANCE**

28 Sec. 213. G.S. 163-278.53 reads as rewritten:

29 **"§ 163-278.53. Criminal punishment.**

30 Any individual, person, candidate, political committee, or treasurer who willfully  
 31 and intentionally violates any of the provisions of this Article, shall be guilty of a Class  
 32 ~~J-I~~felony."

33 Sec. 214. This act becomes effective January 1, 1994, and applies to offenses  
 34 occurring on or after that date. Prosecutions for offenses committed before the effective  
 35 date of this act are not abated or affected by this act, and the statutes that would be  
 36 applicable but for this act remain applicable to those prosecutions.