

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 783
SENATE BILL 830

AN ACT TO AMEND G.S. 14-100 TO ENLARGE THE DEFINITION OF FALSE
PRETENSE TO ENCOMPASS MODERN ORGANIZATIONS AND TO PROHIBIT
FALSE PRETENSES CONCERNING FUTURE EVENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-100 is rewritten to read as follows:

"§ 14-100. **Obtaining property by false pretenses.** — (a) If any person shall knowingly and designedly by means of any kind of false pretense whatsoever, whether the false pretense is of a past or subsisting fact or of a future fulfillment or event, obtain or attempt to obtain from any person within this State any money, goods, property, services, chose in action, or other thing of value with intent to cheat or defraud any person of such money, goods, property, services, chose in action or other thing of value, such person shall be guilty of a felony, and shall be imprisoned in the State's prison not less than four months nor more than 10 years, and fined, in the discretion of the court: Provided, that if, on the trial of anyone indicted for such crime, it shall be proved that he obtained the property in such manner as to amount to larceny or embezzlement, the jury shall have submitted to them such other felony proved; and no person tried for such felony shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts: Provided, further, that it shall be sufficient in any indictment for obtaining or attempting to obtain any such money, goods, property, services, chose in action, or other thing of value by false pretenses to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person, and without alleging any ownership of the money, goods, property, services, chose in action or other thing of value; and upon the trial of any such indictment, it shall not be necessary to prove either an intent to defraud any particular person or that the person to whom the false pretense was made was the person defrauded, but it shall be sufficient to allege and prove that the party accused made the false pretense charged with an intent to defraud.

(b) Evidence of nonfulfillment of a contract obligation standing alone shall not establish the essential element of intent to defraud.

(c) For purposes of this section, 'person' means person, association, consortium, corporation, body politic, partnership, or other group, entity, or organization."

Sec. 2. This act shall become effective on October 1, 1975.

In the General Assembly read three times and ratified, this the 24th day of June, 1975.