

1 **Chapter 14.**
2 **Criminal Law.**
3 **SUBCHAPTER I. GENERAL PROVISIONS.**

4 Article 1.

5 Felonies and Misdemeanors.

6 **§ 14-1. Felonies and misdemeanors defined.**

7 A felony is a crime which:

- 8 (1) Was a felony at common law;
9 (2) Is or may be punishable by death;
10 (3) Is or may be punishable by imprisonment in the State's prison; or
11 (4) Is denominated as a felony by statute.

12 Any other crime is a misdemeanor. (1891, c. 205, s. 1; Rev., s. 3291; C.S., s. 4171; 1967, c.
13 1251, s. 1.)

14
15 **§ 14-1.1: Repealed by Session Laws 1993, c. 538, s. 2.**

16
17 **§ 14-2: Repealed by Session Laws 1993, c. 538, s. 2.1.**

18
19 **§ 14-2.1: Repealed by Session Laws 1993, c. 538, s. 3.**

20
21 **§ 14-2.2:** Repealed by Session Laws 2003-0378, s. 1, effective August 1, 2003.

22
23 **§ 14-2.3. Forfeiture of gain acquired through criminal activity.**

24 (a) Except as is otherwise provided in Article 3 of Chapter 31A, in the case of any
25 violation of Article 13A of Chapter 14, or a general statute constituting a felony other than a
26 nonwillful homicide, any money or other property or interest in property acquired thereby shall
27 be forfeited to the State of North Carolina, including any profits, gain, remuneration, or
28 compensation directly or indirectly collected by or accruing to any offender.

29 (b) An action to recover such property shall be brought by either a District Attorney or
30 the Attorney General pursuant to G.S. 1-532. The action must be brought within three years
31 from the date of the conviction for the offense.

32 (c) Nothing in this section shall be construed to require forfeiture of any money or
33 property recovered by law-enforcement officers pursuant to the investigation of an offense
34 when the money or property is readily identifiable by the owner or guardian of the property or
35 is traceable to him. (1981, c. 840, s. 1; 2008-214, s. 1.)

36
37 **§ 14-2.4. Punishment for conspiracy to commit a felony.**

38 (a) Unless a different classification is expressly stated, a person who is convicted of a
39 conspiracy to commit a felony is guilty of a felony that is one class lower than the felony he or
40 she conspired to commit, except that a conspiracy to commit a Class A or Class B1 felony is a
41 Class B2 felony, a conspiracy to commit a Class B2 felony is a Class C felony, and a
42 conspiracy to commit a Class I felony is a Class 1 misdemeanor.

43 (b) Unless a different classification is expressly stated, a person who is convicted of a
44 conspiracy to commit a misdemeanor is guilty of a misdemeanor that is one class lower than
45 the misdemeanor he or she conspired to commit, except that a conspiracy to commit a Class 3
46 misdemeanor is a Class 3 misdemeanor. (1983, c. 451, s. 1; 1993, c. 538, s. 5; 1994, Ex. Sess.,
47 c. 22, s. 12, c. 24, s. 14(b).)

48
49 **§ 14-2.5. Punishment for attempt to commit a felony or misdemeanor.**

50 Unless a different classification is expressly stated, an attempt to commit a misdemeanor or
51 a felony is punishable under the next lower classification as the offense which the offender

1 attempted to commit. An attempt to commit a Class A or Class B1 felony is a Class B2 felony,
2 an attempt to commit a Class B2 felony is a Class C felony, an attempt to commit a Class I
3 felony is a Class 1 misdemeanor, and an attempt to commit a Class 3 misdemeanor is a Class 3
4 misdemeanor. (1993, c. 538, s. 6; 1994, Ex. Sess., c. 22, s. 11, c. 24, s. 14(b).)

5
6 **§ 14-2.6. Punishment for solicitation to commit a felony or misdemeanor.**

7 (a) Unless a different classification is expressly stated, a person who solicits another
8 person to commit a felony is guilty of a felony that is two classes lower than the felony the
9 person solicited the other person to commit, except that a solicitation to commit a Class A or
10 Class B1 felony is a Class C felony, a solicitation to commit a Class B2 felony is a Class D
11 felony, a solicitation to commit a Class H felony is a Class 1 misdemeanor, and a solicitation to
12 commit a Class I felony is a Class 2 misdemeanor.

13 (b) Unless a different classification is expressly stated, a person who solicits another
14 person to commit a misdemeanor is guilty of a Class 3 misdemeanor. (1993, c. 538, s. 6.1;
15 1994, Ex. Sess., c. 22, s. 13, c. 24, s. 14(b).)

16
17 **§ 14-3. Punishment of misdemeanors, infamous offenses, offenses committed in secrecy
18 and malice, or with deceit and intent to defraud, or with ethnic animosity.**

19 (a) Except as provided in subsections (b) and (c), every person who shall be convicted
20 of any misdemeanor for which no specific classification and no specific punishment is
21 prescribed by statute shall be punishable as a Class 1 misdemeanor. Any misdemeanor that has
22 a specific punishment, but is not assigned a classification by the General Assembly pursuant to
23 law is classified as follows, based on the maximum punishment allowed by law for the offense
24 as it existed on the effective date of Article 81B of Chapter 15A of the General Statutes:

- 25 (1) If that maximum punishment is more than six months imprisonment, it is a
26 Class 1 misdemeanor;
- 27 (2) If that maximum punishment is more than 30 days but not more than six
28 months imprisonment, it is a Class 2 misdemeanor; and
- 29 (3) If that maximum punishment is 30 days or less imprisonment or only a fine,
30 it is a Class 3 misdemeanor.

31 Misdemeanors that have punishments for one or more counties or cities pursuant to a local act
32 of the General Assembly that are different from the generally applicable punishment are
33 classified pursuant to this subsection if not otherwise specifically classified.

34 (b) If a misdemeanor offense as to which no specific punishment is prescribed be
35 infamous, done in secrecy and malice, or with deceit and intent to defraud, the offender shall,
36 except where the offense is a conspiracy to commit a misdemeanor, be guilty of a Class H
37 felony.

38 (c) If any Class 2 or Class 3 misdemeanor is committed because of the victim's race,
39 color, religion, nationality, or country of origin, the offender shall be guilty of a Class 1
40 misdemeanor. If any Class A1 or Class 1 misdemeanor offense is committed because of the
41 victim's race, color, religion, nationality, or country of origin, the offender shall be guilty of a
42 Class H felony. (R.C., c. 34, s. 120; Code, s. 1097; Rev., s. 3293; C.S., s. 4173; 1927, c. 1;
43 1967, c. 1251, s. 3; 1979, c. 760, s. 5; 1979, 2nd Sess., c. 1316, ss. 2, 47, 48; 1981, c. 63, s. 1; c.
44 179, s. 14; 1991, c. 702, s. 2; 1993, c. 538, s. 7; 1994, Ex. Sess., c. 14, s. 2; c. 24, s. 14(b); 1995
45 (Reg. Sess., 1996), c. 742, s. 6; 2008-197, s. 4.1.)

46
47 **§ 14-3.1. Infraction defined; sanctions.**

48 (a) An infraction is a noncriminal violation of law not punishable by imprisonment.
49 Unless otherwise provided by law, the sanction for a person found responsible for an infraction
50 is a penalty of not more than one hundred dollars (\$100.00). The proceeds of penalties for

1 infractions are payable to the county in which the infraction occurred for the use of the public
2 schools.

3 (b) The procedure for disposition of infractions is as provided in Article 66 of Chapter
4 15A of the General Statutes. (1985, c. 764, s. 1.)

5
6 **§ 14-4. Violation of local ordinances misdemeanor.**

7 (a) Except as provided in subsection (b), if any person shall violate an ordinance of a
8 county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A,
9 he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred
10 dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly
11 states that the maximum fine is greater than fifty dollars (\$50.00).

12 (b) If any person shall violate an ordinance of a county, city, or town regulating the
13 operation or parking of vehicles, he shall be responsible for an infraction and shall be required
14 to pay a penalty of not more than fifty dollars (\$50.00). (1871-2, c. 195, s. 2; Code, s. 3820;
15 Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852,
16 s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss.
17 14(b), 14(c); 1995, c. 509, s. 133.1.)