

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 55

Committee Substitute Favorable 2/22/94

Senate Select Committee on Courts Committee Substitute Adopted 3/9/94

Short Title: Criminal Technical Amendments.

(Public)

Sponsors:

Referred to: Appropriations.

February 8, 1994

A BILL TO BE ENTITLED

1 AN ACT TO MAKE TECHNICAL AMENDMENTS AND CONFORMING
2 CHANGES TO THE GENERAL STATUTES AND SESSION LAWS RELATING
3 TO STRUCTURED SENTENCING, MISDEMEANORS, AND FELONIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 7A-273(1), as amended by Section 35 of Chapter 538 of the
6 1993 Session Laws, reads as rewritten:

7
8 "(1) In infraction ~~eases, cases~~ in which the maximum penalty that can be
9 imposed is not more than fifty dollars (\$50.00), exclusive of costs, or
10 in Class 3 ~~misdemeanors~~ misdemeanors, other than the types of ~~offenses~~
11 infractions and misdemeanors specified in subdivision (2) of this
12 section, to accept guilty pleas or admissions of responsibility and enter
13 judgment;"

14 Sec. 2. G.S. 14-3(a), as amended by Section 7 of Chapter 538 of the 1993
15 Session Laws, reads as rewritten:

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

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

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

11 Sec. 3. G.S. 14-33(b), as amended by Section 16 of Chapter 539 of the 1993
 12 Session Laws, reads as rewritten:

13 "(b) Unless his conduct is covered under some other provision of law providing
 14 greater punishment, any person who commits any assault, assault and battery, or affray
 15 is guilty of a Class 1 misdemeanor if, in the course of the assault, assault and battery, or
 16 affray, he:

- 17 (1) Inflicts, or attempts to inflict, serious injury upon another person or
 18 uses a deadly weapon; ~~or~~
 19 (2) Assaults a female, he being a male person at least 18 years of age; ~~or~~
 20 (3) Assaults a child under the age of 12 years; ~~or~~
 21 (4) through (7). Repealed by Session Laws 1991, c. 525, s. 1-~~s. 1~~;
 22 (8) Assaults an officer or employee of the State or of any political
 23 subdivision of the State, when the officer or employee is discharging
 24 or attempting to discharge his official ~~duties~~-duties; ~~or~~
 25 (9) Commits an assault and battery against a sports official when the
 26 sports official is discharging or attempting to discharge official duties
 27 at a sports event, or immediately after the sports event at which the
 28 sports official discharged official duties. A 'sports official' is a person
 29 at a sports event who enforces the rules of the event, such as an umpire
 30 or referee, or a person who supervises the participants, such as a coach.
 31 A 'sports event' includes any interscholastic or intramural athletic
 32 activity in a primary, middle, junior high, or high school, college, or
 33 university, any organized athletic activity sponsored by a community,
 34 business, or nonprofit organization, any athletic activity that is a
 35 professional or semiprofessional event, and any other organized
 36 athletic activity in the State."

37 Sec. 3.1. G.S. 14-72.3(c) reads as rewritten:

38 "(c) Violation of this section is a ~~misdemeanor punishable by a fine of not more~~
 39 ~~than one hundred dollars (\$100.00), imprisonment for not more than thirty days, or~~
 40 ~~both.~~ Class 3 misdemeanor."

41 Sec. 3.2. G.S. 14-72.4(c) reads as rewritten:

42 "(c) A violation of this section is a ~~misdemeanor punishable by a fine not to~~
 43 ~~exceed three hundred dollars (\$300.00), imprisonment not to exceed six months, or~~
 44 ~~both, in the discretion of the court.~~ Class 2 misdemeanor."

1 Sec. 3.3. G.S. 14-82 reads as rewritten:

2 **"§ 14-82. Taking horses, mules, or dogs for temporary purposes.**

3 If any person shall unlawfully take and carry away any horse, gelding, mare, mule,
4 or dog, the property of another person, secretly and against the will of the owner of such
5 property, with intent to deprive the owner of the special or temporary use of the same,
6 or with the intent to use such property for a special or temporary purpose, the person so
7 offending shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred~~
8 ~~dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2
9 misdemeanor."

10 Sec. 4. (a) Section 164 of Chapter 539 of the 1993 Session Laws is repealed.

11 (b) G.S. 14-269.2 reads as rewritten:

12 **"§ 14-269.2. Weapons on campus or other educational property.**

13 (a) The following definitions apply to this section:

14 (1) Educational property. – Any public or private school building or bus,
15 public or private school campus, grounds, recreational area, athletic
16 field, or other property owned, used, or operated by any board of
17 education, school, college, or university board of trustees, or directors
18 for the administration of any public or private educational institution.

19 (2) Student. – A person enrolled in a public or private school, college or
20 university, or a person who has been suspended or expelled within the
21 last five years from a public or private school, college or university,
22 whether the person is an adult or a minor.

23 (3) Switchblade knife. – A knife containing a blade ~~or blades which open~~
24 that opens automatically by the release of a spring or a similar
25 contrivance.

26 (4) Weapon. – Any device enumerated in subsection (b) or (d) of this
27 section.

28 (b) It shall be a Class I felony for any person to possess or carry, whether openly
29 or concealed, any gun, rifle, pistol, or other firearm of any kind, or any dynamite
30 cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1, on
31 educational property. However, this subsection does not apply to a BB gun, stun gun,
32 air rifle, or air pistol.

33 (c) It shall be a Class I felony for any person to cause, encourage, or aid a minor
34 who is less than 18 years old to possess or carry, whether openly or concealed, any gun,
35 rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade,
36 mine, or powerful explosive as defined in G.S. 14-284.1, on educational property.
37 However, this subsection does not apply to a BB gun, stun gun, air rifle, or air pistol.

38 (d) It shall be a Class 1 misdemeanor for any person to possess or carry, whether
39 openly or concealed, any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk,
40 dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors
41 and razor blades (except solely for personal shaving), and any sharp-pointed or edged
42 instrument except instructional supplies, unaltered nail files and clips and tools used
43 solely for preparation of food, instruction, and maintenance, on educational property.

1 (e) It shall be a Class 1 misdemeanor for any person to cause, encourage, or aid a
2 minor who is less than 18 years old to possess or carry, whether openly or concealed,
3 any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded
4 cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except
5 solely for personal shaving), and any sharp-pointed or edged instrument except
6 instructional supplies, unaltered nail files and clips and tools used solely for preparation
7 of food, instruction, and maintenance, on educational property.

8 (f) Notwithstanding subsection (b) of this section it shall be a Class 1
9 misdemeanor rather than a Class I felony for any person to possess or carry, whether
10 openly or concealed, any gun, rifle, pistol, or other firearm of any kind, on educational
11 property if:

- 12 (1) The person is not a student attending school on the educational
13 property;
- 14 (2) The firearm is not concealed within the meaning of G.S. 14-269;
- 15 (3) The firearm is not loaded and is in a locked container, a locked
16 vehicle, or a locked firearm rack which is on a motor vehicle; and
- 17 (4) The person does not brandish, exhibit, or display the firearm in any
18 careless, angry, or threatening manner.

19 (g) This section shall not apply to:

- 20 (1) A weapon used solely for educational or school-sanctioned ceremonial
21 purposes, or used in a school-approved program conducted under the
22 supervision of an adult whose supervision has been approved by the
23 school authority;
- 24 (2) Armed forces personnel, officers and soldiers of the militia and
25 national guard, law enforcement personnel, and any private police
26 employed by an educational institution, when acting in the discharge
27 of their official duties; or
- 28 (3) Home schools as defined in G.S. 115C-563(a)."

29 Sec. 5. G.S. 14-269.7(a) reads as rewritten:

30 "(a) Any minor who possesses or carries a handgun is guilty of a ~~misdemeanor~~
31 ~~punishable by imprisonment for up to six months, a fine of up to five hundred dollars~~
32 ~~(\$500.00), or both. Class 2 misdemeanor.~~"

33 Sec. 6. G.S. 14-277.4(c) reads as rewritten:

34 "(c) A violation of subsection (a) or (b) of this section is a ~~misdemeanor~~
35 ~~punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment not~~
36 ~~to exceed six months, or both. Class 2 misdemeanor.~~ A second conviction for a
37 violation of either subsection (a) or (b) of this section within three years of the first shall
38 be punishable as a ~~general~~ Class 1 misdemeanor. A third or subsequent conviction for a
39 violation of either subsection (a) or (b) of this section within three years of the second or
40 most recent conviction shall be punishable as a Class I felony."

41 Sec. 7. G.S. 14-288.14(c) reads as rewritten:

42 "(c) Any chairman of a board of county commissioners extending prohibitions and
43 restrictions under the authority of this section must take reasonable steps to give notice
44 of its terms to those likely to be affected. The chairman of the board of commissioners

1 shall proclaim the termination of any prohibitions and restrictions extended under the
2 authority of this section upon:

- 3 (1) His determination that they are no longer necessary; or
- 4 (2) The determination of the board of county commissioners that they are
5 no longer necessary; or
- 6 (3) The termination of the prohibitions and restrictions within the
7 municipality."

8 Sec. 8. (a) Section 210 of Chapter 539 of the 1993 Session Laws is repealed.

9 (b) G.S. 14-303 reads as rewritten:

10 **"§ 14-303. Violation of two preceding sections a misdemeanor.**

11 A violation of any of the provisions of G.S. 14-301 or 14-302 shall be a
12 ~~misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the~~
13 ~~court or both.~~ Class 2 misdemeanor."

14 Sec. 9. (a) Section 211 of Chapter 539 of the 1993 Session Laws is repealed.

15 (b) G.S. 14-309 reads as rewritten:

16 **"§ 14-309. Violation made misdemeanor.**

17 Any person who violates any provision of G.S. 14-304 through 14-309 is guilty of a
18 ~~misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court or~~
19 ~~both.~~ Class 2 misdemeanor."

20 Sec. 10. G.S. 14-311 reads as rewritten:

21 **"§ 14-311. Penalty for violation.**

22 Any persons violating the provisions of this Article shall be guilty of a ~~misdemeanor~~
23 ~~and shall be punishable by imprisonment in the county or municipal jail for not less than~~
24 ~~30 days nor more than 90 days, or by a fine of not less than fifty dollars (\$50.00) nor~~
25 ~~more than five hundred dollars (\$500.00), or by both such fine and imprisonment in the~~
26 ~~discretion of the court.~~ Class 2 misdemeanor."

27 Sec. 11. G.S. 14-315.1(a) reads as rewritten:

28 "(a) Any person who resides in the same premises as a minor, owns or possesses a
29 firearm, and stores or leaves the firearm (i) in a condition that the firearm can be
30 discharged and (ii) in a manner that the person knew or should have known that an
31 unsupervised minor would be able to gain access to the firearm, is guilty of a Class 1
32 misdemeanor if a minor gains access to the firearm without the lawful permission of the
33 minor's parents or a person having charge of the minor and the minor:

- 34 (1) Possesses it in violation of G.S. 14-269.2(b);
- 35 (2) Exhibits it in a public place in a careless, angry, or threatening manner;
- 36 (3) Causes personal injury or death with it not in self defense; or
- 37 (4) Uses it in the commission of a crime."

38 Sec. 12. G.S. 14-315.2(c) reads as rewritten:

39 "(c) A violation of subsection (a) or (b) of this section is a Class 1 misdemeanor."

40 Sec. 13. The catch line of G.S. 14-318.2 reads as rewritten:

41 **"§ 14-318.2. Child abuse a general Class 1 misdemeanor."**

42 Sec. 14. (a) Section 283 of Chapter 539 of the 1993 Session Laws is repealed.

43 (b) G.S. 14-401.14(b) reads as rewritten:

1 "(b) A person who assembles with one or more persons to teach any technique or
2 means to be used to commit any act in violation of subsection (a) of this section is guilty
3 of a ~~misdemeanor punishable by imprisonment of up to two years, a fine, or both.~~ Class 1
4 misdemeanor."

5 Sec. 15. G.S. 15A-266.11 reads as rewritten:

6 **"§ 15A-266.11. Unauthorized uses of DNA Databank; penalties.**

7 (a) Any person who, by virtue of employment, or official position, has
8 possession of, or access to, individually identifiable DNA information contained in the
9 State DNA Database or Databank and who willfully discloses it in any manner to any
10 person or agency not entitled to receive it is guilty of a Class 1 misdemeanor in
11 accordance with G.S. 14-3.

12 (b) Any person who, without authorization, willfully obtains individually
13 identifiable DNA information from the State DNA Database or Databank is guilty of a
14 Class 1 misdemeanor in accordance with G.S. 14-3."

15 Sec. 16. (a) Section 1248 of Chapter 539 of the 1993 Session Laws is repealed.

16 (b) G.S. 15A-543(b) reads as rewritten:

17 "(b) A violation of this section is a ~~Class 1~~ Class H felony if:

18 (1) The violator was released in connection with a felony charge against
19 him; or

20 (2) The violator was released under the provisions of G.S. 15A-536."

21 Sec. 17. G.S. 15A-1340.11(7)c., as enacted by Section 1 of Chapter 538 of
22 the 1993 Session Laws, reads as rewritten:

23 "c. In the courts of the United States, another state, the armed
24 services of the United States, or another ~~county,~~ country,
25 regardless of whether the offense would be a crime if it
26 occurred in North Carolina,"

27 Sec. 18. G.S. 15A-1340.13(c), as enacted by Section 1 of Chapter 538 of the
28 1993 Session Laws, reads as rewritten:

29 "(c) Minimum and Maximum Term. – The judgment of the court shall contain a
30 minimum term of imprisonment that is consistent with the class of offense for which the
31 sentence is being imposed and with the prior record level for the offender. The
32 maximum term of imprisonment applicable to each minimum term of imprisonment is,
33 unless otherwise provided, as specified in G.S. ~~1340.17.~~ 15A-1340.17. The maximum
34 term shall be specified in the judgment of the court."

35 Sec. 18.1. G.S. 15A-1340.13(f), as enacted by Section 1 of Chapter 538 of
36 the 1993 Session Laws, reads as rewritten:

37 "(f) Suspension of Sentence. – Unless otherwise provided, the court shall not
38 suspend the sentence of imprisonment if the class of offense and prior record level ~~does~~
39 do not permit community or intermediate punishment as a sentence disposition. The
40 court shall suspend the sentence of imprisonment if the class of offense and prior record
41 level ~~requires~~ require community or intermediate punishment as a sentence disposition.
42 The court may suspend the sentence of imprisonment if the class of offense and prior
43 record level ~~authorizes,~~ authorize, but ~~does~~ do not require, active punishment as a
44 sentence disposition."

1 Sec. 19. G.S. 15A-1340.13(h)(1) reads as rewritten:

2 "(1) The offense is a Class A ~~offense~~, felony."

3 Sec. 20. G.S. 15A-1340.17(d), as enacted by Section 1 of Chapter 538 of the
4 1993 Session Laws, reads as rewritten:

5 "(d) Maximum Sentences Specified for Class F through Class I Felonies. – Unless
6 provided otherwise in a statute establishing a punishment for a specific crime, for each
7 minimum term of imprisonment in the chart in subsection (c) of this section, expressed
8 in months, the corresponding maximum term of imprisonment, also expressed in
9 months, is as specified in the table below for Class F through Class I felonies. The first
10 figure in each cell in the table is the minimum term and the second is the maximum
11 term.

12	13	14	15	16	17	18	19	20
	3-4	4-5	5-6	6-8	7-9	8-10	9-11	10-12
14	11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
15	19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32
16	27-33	28-34	29-35	30-36	31-38	32-39	33-40	34-41
17	35-42	36-44	37-45	38-46	39-47	40-48	41-50	42-51
18	43-52	44-53	45-54	46-56	47-57	48-58	49-59".	

19 Sec. 21. G.S. 15A-1340.17(e), as enacted by Section 1 of Chapter 538 of the
20 1993 Session Laws, is amended by deleting the phrase "2957362" and substituting
21 "294-362".

22 Sec. 22. G.S. 15A-1343.2(d), as enacted by Section 17.1 of Chapter 538 of
23 the 1993 Session Laws, reads as rewritten:

24 "(d) Lengths of Probation Terms Under Structured Sentencing. – Unless the court
25 makes specific findings that longer or shorter periods of probation are necessary, the
26 length of the term of probation for offenders sentenced under Article 81B shall be as
27 follows:

- 28 (1) For misdemeanants sentenced to community punishment, not less ~~that~~
29 than six nor more than 18 months;
- 30 (2) For misdemeanants sentenced to intermediate punishment, not less
31 than 12 nor more than 24 months;
- 32 (3) For felons sentenced to community punishment, not less than 12 nor
33 more than 30 months; and
- 34 (4) For felons sentenced to intermediate punishment, not less than 18 nor
35 more than 36 months.

36 The court may with the consent of the offender extend the original term of the probation
37 if necessary to complete a program of restitution or to complete medical or psychiatric
38 treatment ordered as a condition of probation. This extension may be for no more than
39 three years, and may only be ordered in the last six months of the original probation
40 term."

41 Sec. 23. G.S. 15A-1354(b) reads as rewritten:

42 "(b) Effect of Consecutive Terms. – In determining the effect of consecutive
43 sentences imposed under authority of this Article and the manner in which they will be

1 served, the Department of Correction must treat the defendant as though he has been
2 committed for a single term with the following incidents:

- 3 (1) The maximum prison sentence consists of the total of the maximum
4 terms of the consecutive ~~sentences; sentences, less nine months for~~
5 each of the second and subsequent sentences imposed for Class B
6 through Class E felonies; and
- 7 (2) The minimum ~~term, if any, term~~ consists of the total of the minimum
8 terms of the consecutive sentences."

9 Sec. 24. G.S. 15A-1368(a)(5), as enacted by Section 20.1 of Chapter 538 of
10 the 1993 Session Laws, reads as rewritten:

- 11 "(5) Maximum imposed term. – The maximum term of imprisonment
12 imposed on an individual prisoner by a court judgment, as described in
13 G.S. 15A-1340.13(c). When a prisoner is serving consecutive prison
14 terms, the maximum imposed term, for purposes of this Article, is the
15 sum of all maximum terms imposed in the court ~~judgment. judgment,~~
16 less nine months for each of the second and subsequent sentences
17 imposed for Class B through Class E felonies."

18 Sec. 25. G.S. 15A-1368(b), as enacted by Section 20.1 of Chapter 538 of the
19 1993 Session Laws, reads as rewritten:

20 "(b) Administration. – The Post-Release Supervision and Parole Commission, as
21 authorized in Chapter ~~443, 143 of the General Statutes,~~ shall administer post-release
22 supervision as provided in this Article."

23 Sec. 26. G.S. 15A-1368.1, as enacted by Section 20.1 of Chapter 538 of the
24 1993 Session Laws, reads as rewritten:

25 "**§ 15A-1368.1. Applicability of Article 84A.**

26 This Article applies to all felons in Class B through Class E sentenced to an active
27 punishment ~~as defined in G.S. 15A-1340.11, under Article 81B of this Chapter.~~ Prisoners
28 subject to Articles 85 and 85A of this Chapter are excluded from this Article's
29 coverage."

30 Sec. 27. G.S. 15A-1368.3(e), as enacted by Section 20.1 of Chapter 538 of
31 the 1993 Session Laws, reads as rewritten:

32 "(e) Timing of Revocation. – The Commission may revoke post-release
33 supervision for violation of a condition during the period of supervision. The
34 Commission may also revoke post-release supervision following a period of supervision
35 if:

- 36 (1) Before the expiration of the period of post-release supervision, the
37 Commission has recorded its intent to conduct a revocation hearing;
38 and
- 39 (2) The Commission finds that every reasonable effort has been made to
40 notify the supervisee and conduct the hearing earlier. **Prima facie**
41 evidence of reasonable effort to notify is the issuance of a temporary
42 or conditional revocation order, as provided in G.S. 15A-1376, that
43 goes unserved."

1 Sec. 28. G.S. 15A-1445(a)(3), as enacted by Section 28 of Chapter 538 of the
2 1993 Session Laws, reads as rewritten:

3 "(3) When the State alleges that the sentence imposed:

- 4 a. Results from an incorrect determination of the defendant's prior
5 record level under G.S. 15A-1340.14 or the defendant's prior
6 conviction level under G.S. 15A-1340.21;
- 7 b. Contains a type of sentence disposition that is not authorized by
8 G.S. 15A-1340.17 or G.S. 15A-1340.23 for the defendant's
9 class of offense and prior record or conviction level; ~~or~~
- 10 c. Contains a term of imprisonment that is for a duration not
11 authorized by G.S. 15A-1340.17 or G.S. 15A-1340.23 for the
12 defendant's class of offense and prior record or conviction ~~level-~~
13 level; or
- 14 d. Imposes an intermediate punishment pursuant to G.S. 15A-
15 1340.13(g) based on findings of extraordinary mitigating
16 circumstances that are not supported by evidence or are
17 insufficient as a matter of law to support the dispositional
18 deviation."

19 Sec. 29. G.S. 18B-102(b), as amended by Section 310 of Chapter 539 of the
20 1993 Session Laws, reads as rewritten:

21 "(b) Violation a Class 1 Misdemeanor. – Unless a different punishment is
22 otherwise expressly stated, any person who violates any provision of this Chapter shall
23 be guilty of a Class 1 misdemeanor. In addition the court may impose the provisions of
24 G.S. 18B-202 and of G.S. 18B-503, 18B-504, and 18B-505."

25 Sec. 30. (a) Section 1250 of Chapter 539 of the 1993 Session Laws is repealed.

26 (b) G.S. 20-34.1(a) reads as rewritten:

27 "(a) An employee of the Division or of an agent of the Division who does any of
28 the following commits a Class ~~I~~ felony:

- 29 (1) Charges or accepts any money or other thing of value, except the
30 required fee, for the issuance of a drivers license or a special
31 identification card.
- 32 (2) Knowing it is false, accepts false proof of identification submitted for
33 a drivers license or a special identification card.
- 34 (3) Knowing it is false, enters false information concerning a drivers
35 license or a special identification card in the records of the Division."

36 Sec. 31. G.S. 20-37.6(c3), as enacted by Section 1 of Chapter 373 of the
37 1993 Session Laws, reads as rewritten:

38 "(c3) It shall be unlawful to sell a distinguishing license plate, a removable
39 windshield placard, or a temporary removable windshield placard issued pursuant to this
40 section. A violation of this subsection shall be a Class 2 misdemeanor and may be
41 punished pursuant to G.S. 20-176(c) and (c1)."

42 Sec. 32. G.S. 20-138.5(b), as amended by Section 1258 of Chapter 539 of the
43 1993 Session Laws, reads as rewritten:

1 "(b) A person convicted of violating this section shall be punished as a ~~Class I~~
2 Class I felon. Sentences imposed under this subsection shall run consecutively with and
3 shall commence at the expiration of any sentence being served."

4 Sec. 33. G.S. 20-310(f)(5) reads as rewritten:

5 "(5) Either in the notice or in an accompanying statement advise the
6 insured that operation of a motor vehicle without complying with the
7 provisions of this Article is a Class 2 misdemeanor punishable
8 pursuant to G.S. 20-176(c) and (c1) and specifying the penalties for
9 such violation."

10 Sec. 34. G.S. 23-9, as amended by Section 397 of Chapter 539 of the 1993
11 Session Laws, reads as rewritten:

12 **"§ 23-9. Creditors to file verified claims with clerk; false swearing misdemeanor.**

13 All creditors of the maker of such deed of trust shall, before receiving payment of
14 any amount from the said trustee, file with the clerk of the superior court a statement
15 under oath that the amount claimed by him is justly due, after allowing all credits and
16 offsets, to the best of his knowledge and belief. Any creditor who shall knowingly
17 swear falsely in such statement shall be guilty of a ~~Class 1 misdemeanor~~-misdemeanor."

18 Sec. 35. G.S. 49-8 reads as rewritten:

19 **"§ 49-8. Power of court to modify orders, suspend sentence, etc.**

20 Upon the determination of the issues set out in ~~the foregoing section~~ G.S. 49-7 and for
21 the purpose of enforcing the payment of the sum fixed, the court is hereby given
22 discretion, having regard for the circumstances of the case and the financial ability and
23 earning capacity of the defendant and his or her willingness to cooperate, to make an
24 order or orders upon the defendant and to modify such order or orders from time to time
25 as the circumstances of the case may in the judgment of the court require subject to the
26 limitations of G.S. 50-13.10. The order or orders made in this regard may include any or
27 all of the following alternatives:

- 28 ~~(1) Commit the defendant to prison for a term not to exceed six months;~~
29 (2) Suspend sentence and continue the case from term to term;
30 (3) Release the defendant from custody on probation conditioned upon the
31 defendant's compliance with the terms of the probation and the
32 payment of the sum fixed for the support and maintenance of the child;
33 (4) Order the defendant to pay to the mother of the said child the
34 necessary expenses of birth of the child and suitable medical attention
35 for her;
36 (5) Require the defendant to sign a recognizance with good and sufficient
37 security, for compliance with any order which the court may make in
38 proceedings under this Article."

39 Sec. 36. G.S. 55A-1-29(b) reads as rewritten:

40 "(b) An offense under this section is a Class 1 misdemeanor."

41 Sec. 37. G.S. 55A-1-32(b) reads as rewritten:

42 "(b) Each officer and director of a domestic or foreign corporation who knowingly
43 fails or refuses, within the time prescribed by this Chapter, to answer truthfully and fully

1 interrogatories propounded to him by the Secretary of State in accordance with the
2 provisions of this Chapter shall be guilty of a Class 1 misdemeanor."

3 Sec. 38. G.S. 57C-1-29(b) reads as rewritten:

4 "(b) An offense under this section is a Class 1 misdemeanor."

5 Sec. 39. G.S. 57C-1-32(b) reads as rewritten:

6 "(b) Each manager of a foreign or domestic limited liability company who fails or
7 refuses within the time prescribed by this Chapter to answer truthfully and fully
8 interrogatories propounded to the manager by the Secretary of State in accordance with
9 the provisions of this Chapter shall be guilty of a Class 1 misdemeanor."

10 Sec. 40. (a) Section 505 of Chapter 539 of the 1993 Session Laws is repealed.

11 (b) The catch line of G.S. 66-11 reads as rewritten:

12 **"§ 66-11. Dealing in regulated metals property; violations of section Class 1**
13 **misdemeanor."**

14 (c) G.S. 66-11(f) reads as rewritten:

15 "(f) Violations. – Any person violating any of the provisions of this section shall
16 be guilty of a ~~misdemeanor and upon conviction shall be fined not more than five~~
17 ~~hundred dollars (\$500.00), imprisoned for not longer than two years, or both.~~ Class 1
18 misdemeanor."

19 Sec. 41. G.S. 72-7.1(b) reads as rewritten:

20 "(b) Innkeepers allowing pets must post a sign measuring not less than five inches
21 by seven inches at the place where guests register informing them pets are permitted in
22 sleeping rooms and in adjoining rooms. If certain pets are permitted or prohibited, the
23 sign must so state. If any pets are permitted, the innkeeper must maintain a minimum of
24 ten percent (10%) of the sleeping rooms in the inn or hotel as rooms where pets are not
25 permitted and the sign required by this subsection must also state that such rooms are
26 available."

27 Sec. 42. G.S. 72-7.1(d), as amended by Section 545 of Chapter 539 of the
28 1993 Session Laws, reads as rewritten:

29 "(d) Any person violating the provisions of this section shall be guilty of a Class 3
30 misdemeanor."

31 Sec. 43. The catch line of G.S. 75-28 reads as rewritten:

32 **"§ 75-28. Unauthorized disclosure of tax information; violation a Class 1**
33 **misdemeanor."**

34 Sec. 44. G.S. 75A-6.1(c) reads as rewritten:

35 "(c) Violation of the navigation rules specified in subsection (a) of this section
36 shall constitute a ~~misdemeanor punishable by a fine not to exceed one hundred dollars~~
37 ~~(\$100.00).~~ Class 3 misdemeanor and is punishable only by a fine not to exceed one
38 hundred dollars (\$100.00)."

39 Sec. 45. G.S. 76A-46, as amended by Section 578 of Chapter 539 of the 1993
40 Session Laws, reads as rewritten:

41 **"§ 76A-46. Compulsory use of pilots.**

42 Every foreign vessel and every United States vessel sailing under register, including
43 such vessels towing or being towed when underway or docking in ~~the~~ the waters of the
44 Morehead City Harbor and Beaufort Bar, either incoming or outgoing, and over 60

1 gross tons, shall employ and utilize a State licensed pilot. Every foreign vessel sailing
2 including such vessels towing or being towed when underway or docking in the
3 Morehead City to Aurora water route, and over 60 gross tons, shall employ and utilize a
4 State licensed pilot. Any master of a vessel violating this section by failing to use a
5 State licensed pilot shall be guilty of a Class 1 misdemeanor except as provided for in
6 G.S. 76A-54."

7 Sec. 46. G.S. 90-95(h)(3), as amended by Section 30 of Chapter 538 of the
8 1993 Session Laws, reads as rewritten:

9 "(3) Any person who sells, manufactures, delivers, transports, or possesses
10 28 grams or more of cocaine and any salt, isomer, salts of isomers,
11 compound, derivative, or preparation thereof, or any coca leaves and
12 any salt, isomer, salts of isomers, compound, derivative, or preparation
13 of coca leaves, and any salt, isomer, salts of isomers, compound,
14 derivative or preparation thereof which is chemically equivalent or
15 identical with any of these substances (except ~~decocainized~~
16 decocainized coca leaves or any extraction of coca leaves which does
17 not contain cocaine) or any mixture containing such substances, shall
18 be guilty of a felony, which felony shall be known as 'trafficking in
19 cocaine' and if the quantity of such substance or mixture involved:

- 20 a. Is 28 grams or more, but less than 200 grams, such person shall
21 be punished as a Class G felon and shall be sentenced to a
22 minimum term of 35 months and a maximum term of 42
23 months in the State's prison and shall be fined not less than fifty
24 thousand dollars (\$50,000);
25 b. Is 200 grams or more, but less than 400 grams, such person
26 shall be punished as a Class F felon and shall be sentenced to a
27 minimum term of 70 months and a maximum term of 84
28 months in the State's prison and shall be fined not less than one
29 hundred thousand dollars (\$100,000);
30 c. Is 400 grams or more, such person shall be punished as a Class
31 D felon and shall be sentenced to a minimum term of 175
32 months and a maximum term of 219 months in the State's
33 prison and shall be fined at least two hundred fifty thousand
34 dollars (\$250,000)."

35 Sec. 47. G.S. 90-95(h)(4)b., as amended by Section 30 of Chapter 538 of the
36 1993 Session Laws, reads as rewritten:

37 "b. Is 14 grams or more, but less than 28 grams, such person shall
38 be punished as a Class E felon and shall be sentenced to a
39 minimum term of 90 months and a maximum term of ~~120~~117
40 months in the State's prison and shall be fined not less than one
41 hundred thousand dollars (\$100,000);".

42 Sec. 48. G.S. 90-452(a) reads as rewritten:

43 "(a) Unlawful Acts. – It is unlawful to engage in the practice of acupuncture
44 without a license issued pursuant to this Article. It is unlawful to advertise or otherwise

1 represent oneself as qualified or authorized to engage in the practice of acupuncture
2 without having the license required by this Article. A violation of this subsection is a
3 ~~misdemeanor punishable by imprisonment for up to two years, a fine, or both. Class 1~~
4 ~~misdemeanor.~~"

5 Sec. 49. G.S. 93E-1-13(a) reads as rewritten:

6 "(a) Any person who acts as, or holds himself out to be, a State-licensed or State-
7 certified real estate appraiser without first obtaining a license or certificate as provided
8 in this Chapter, or who willfully performs the acts specified in G.S. 93E-1-12(a)(1)
9 through (10), shall be guilty of a ~~misdemeanor and shall be punished by a fine or~~
10 ~~imprisonment, or by both, in the discretion of the court. Class 1 misdemeanor.~~"

11 Sec. 50. G.S. 105-163.013(d) reads as rewritten:

12 "(d) Application Forms; Rules; Fees. – Applications for registration, renewal of
13 registration, and reinstatement of registration under this section shall be in the form
14 required by the Secretary of State. The Secretary may, by rule, require applicants to
15 furnish supporting information in addition to the information required by subsections
16 (a), (b), and (c) of this section. The Secretary may adopt rules in accordance with
17 Chapter 150B of the General Statutes that are needed to carry out the Secretary's
18 responsibilities under this Division. The Secretary shall prepare blank forms for the
19 applications and shall distribute them throughout the State and furnish them on request.
20 Each application shall be signed by the owners of the business or, in the case of a
21 corporation, by its president, vice-president, treasurer, or secretary. There shall be
22 annexed to the application the affirmation of the person making the application in the
23 following form: 'Under penalties prescribed by law, I certify and affirm that to the best
24 of my knowledge and belief this application is true and complete.' A person who
25 submits a false application is guilty of a ~~misdemeanor and is punishable as provided in G.S.~~
26 ~~14-3. Class 1 misdemeanor.~~

27 The fee for filing an application for registration under this section shall be one
28 hundred dollars (\$100.00). The fee for filing an application for renewal of registration
29 under this section shall be fifty dollars (\$50.00). The fee for filing an application for
30 reinstatement of registration under this section shall be fifty dollars (\$50.00).

31 An application for renewal of registration under this section shall indicate whether
32 the applicant is a minority business, as defined in G.S. 143-128, and shall include a
33 report of the number of jobs the business created during the preceding year that are
34 attributable to investments that qualify under this section for a tax credit and the average
35 wages paid by each job. An application that does not contain this information is
36 incomplete and the applicant's registration may not be renewed until the information is
37 provided."

38 Sec. 51. (a) Section 712 of Chapter 539 of the 1993 Session Laws is repealed.

39 (b) G.S. 105-259(c) reads as rewritten:

40 "(c) Punishment. – A person who violates this section is guilty of a ~~misdemeanor~~
41 ~~and may be fined not less than two hundred dollars (\$200.00) nor more than one~~
42 ~~thousand dollars (\$1,000), imprisoned for up to two years, or both. Class 1~~
43 ~~misdemeanor.~~ If the person committing the violation is an officer or employee, that

1 person shall be dismissed from public office or public employment and may not hold
2 any public office or public employment in this State for five years after the violation."

3 Sec. 52. G.S. 105-449.34(b) reads as rewritten:

4 "(b) ~~Six-Month-Class 2~~ Misdemeanors. – A person who commits one or more of
5 the following acts is guilty of a ~~misdemeanor and is punishable by imprisonment for up~~
6 ~~to six months, a fine of up to five hundred dollars (\$500.00), or both: Class 2~~
7 misdemeanor:

8 (1) Knowingly dispenses non-tax-paid fuel into the supply tank of a motor
9 vehicle.

10 (2) Knowingly allows non-tax-paid fuel to be dispensed into the supply
11 tank of a motor vehicle."

12 Sec. 53. (a) Section 784 of Chapter 539 of the 1993 Session Laws is repealed.

13 (b) G.S. 106-451 reads as rewritten:

14 "**§ 106-451. Numbering of cotton bales by public ginneries; public gin defined.**

15 (a) Any person, firm or corporation operating any public cotton gin, that is, any
16 cotton gin other than one ginning solely for the individual owner, owners, or operators
17 thereof, shall hereafter be required to distinctly and clearly number, serially, each and
18 every bale of cotton ginned, in one of the following ways:

19 (1) Attach a metal strip carrying the serial number to one of the ties of the
20 bale and ahead of the tie lock, and so secure it that ordinary handling
21 will not remove or disfigure the number.

22 (2) Impress the serial number upon one of the bands or ties around the
23 bale.

24 Any person, firm or corporation failing or refusing to comply with this section shall
25 be guilty of a ~~misdemeanor for each and every offense, and upon conviction shall be~~
26 ~~fined not exceeding fifty dollars (\$50.00) or imprisoned not more than 30 days. Class 3~~
27 misdemeanor for each and every offense.

28 (b) Any person, firm or corporation buying a bale of cotton on which this number
29 has: (i) been removed; (ii) defaced by cutting; (iii) or otherwise altered, unless a new
30 metal strip is attached and impression made by the original gin ginning said bale or
31 bales of cotton, shall be guilty of a Class 3 misdemeanor for each and every ~~offense and~~
32 ~~upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not more than~~
33 ~~30 days. offense.~~

34 (c) Every public ginnery, as defined in subsection (a) of this section, shall keep a
35 book in which shall be registered all cotton received at the gin to be ginned in the name
36 of the owner of the cotton and the name of the person from whom the cotton is received
37 for ginning. Any person giving false information for entry in this book shall be guilty of
38 a Class 1 misdemeanor. There shall be furnished by the ginner for each bale of cotton
39 ginned, to the owner thereof, a gin ticket bearing the name of the gin, the serial number
40 of the bale prescribed by subsection (a) of this section, the weight of the bale and the
41 name of the owner of the cotton. Such gin ticket shall be presented, for comparison with
42 the serial number prescribed in subsection (a) of this section, at the time such bale is
43 sold or offered for sale, as **prima facie** evidence of ownership thereof."

44 Sec. 54. (a) Section 785 of Chapter 539 of the 1993 Session Laws is repealed.

1 (b) G.S. 106-451.1 reads as rewritten:

2 **"§ 106-451.1. Purchasers of cotton to keep records of purchases.**

3 Every cotton broker or other person buying cotton from the producer after it is
4 ginned shall keep a record of such purchase for a period of one year from date of
5 purchase. This record shall contain the name and address of the seller of the cotton, the
6 date on which purchased, the weight or amount and the serial number of the bales
7 provided for by G.S. 106-451. Any person violating the provisions of this section shall
8 be guilty of a ~~misdemeanor and shall, upon conviction, be fined or imprisoned in the~~
9 ~~discretion of the court.~~ Class 1 misdemeanor: Provided, any person, firm or corporation
10 who purchases cotton which has been ginned outside this State shall be required to keep
11 only so much of the records hereinabove specified as purchasers are required to keep by
12 the law of the state where said cotton was ginned."

13 Sec. 55. G.S. 106-549.68(c)(1), as amended by Section 803 of Chapter 539
14 of the 1993 Session Laws, reads as rewritten:

15 "(1) Any person that shall neglect or refuse to attend and testify or to
16 answer any lawful inquiry, or to produce documentary evidence, if in
17 his or its power to do so, in obedience to the subpoena or lawful
18 requirement of the Commissioner shall be guilty of a Class 1
19 misdemeanor."

20 Sec. 56. G.S. 106-764 reads as rewritten:

21 **"§ 106-764. Violation.**

22 A person who violates this act or a rule of the Board of Agriculture adopted
23 hereunder is guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred~~
24 ~~dollars (\$500.00) or imprisonment for not more than 30 days, or both.~~ Class 3
25 misdemeanor."

26 Sec. 57. G.S. 113-154.1(i) reads as rewritten:

27 "(i) Penalties. – Any person who violates any provision of this section or any rule
28 by the Marine Fisheries Commission to implement this section is guilty of a
29 misdemeanor.

30 (1) A violation of subsections (a), (f), or (h) or a rule of the Marine
31 Fisheries Commission implementing any of those subsections is a
32 ~~misdemeanor punishable as follows:~~

33 a. For a first ~~conviction, conviction or a subsequent conviction not~~
34 ~~described in subdivision (1)b. or c., a violation is a Class 3~~
35 ~~misdemeanor. a-A fine shall be imposed of not less than fifty~~
36 ~~dollars (\$50.00) or double the value of the fish which are the~~
37 ~~subject of the transaction, whichever is greater, not to exceed~~
38 ~~two hundred fifty dollars (\$250.00), or imprisonment not to exceed~~
39 ~~30 days. (\$250.00).~~

40 b. For a second conviction within three years, a violation is a
41 Class 2 misdemeanor. a-A fine shall be imposed of not less
42 than two hundred fifty dollars (\$250.00) or double the value of
43 the fish which are the subject of the transaction, whichever is

1 greater, not to exceed five hundred dollars (\$500.00), ~~or~~
2 ~~imprisonment not to exceed 90 days, or both. (\$500.00).~~

- 3 c. For a third or subsequent conviction within three years, a
4 violation is a Class 2 misdemeanor. a-A fine shall be imposed
5 of not less than five hundred dollars (\$500.00) or double the
6 value of the fish which are the subject of the transaction,
7 whichever is greater, or imprisonment not to exceed six months, or
8 both. greater.

- 9 (2) A violation of any other provision of this section other than
10 subsections (a), (f), or (h), or of any rule of the Marine Fisheries
11 Commission other than a rule implementing subsections (a), (f), or (h)
12 of this section, is punishable under G.S. 113-135(a)."

13 Sec. 58. G.S. 113-156(i) reads as rewritten:

14 "(i) Penalties. – Any person who violates any provision of this section or any rule
15 by the Marine Fisheries Commission to implement this section is guilty of a
16 misdemeanor.

- 17 (1) A violation of subsections (a), (g), or (h) or a rule of the Marine
18 Fisheries Commission implementing any of those subsections is a
19 ~~misdemeanor~~ punishable as follows:

- 20 a. For a first ~~conviction, conviction~~ or for a subsequent conviction
21 not described in subdivision (1)b. or c., a violation is a Class 3
22 misdemeanor. a-A fine shall be imposed of not less than fifty
23 dollars (\$50.00) or double the value of the fish which are the
24 subject of the transaction, whichever is greater, not to exceed
25 two hundred fifty dollars (\$250.00), ~~or imprisonment not to exceed~~
26 ~~30 days. (\$250.00).~~

- 27 b. For a second conviction within three years, a violation is a
28 Class 2 misdemeanor. a-A fine shall be imposed of not less
29 than two hundred fifty dollars (\$250.00) or double the value of
30 the fish which are the subject of the transaction, whichever is
31 greater, not to exceed five hundred dollars (\$500.00), ~~or~~
32 ~~imprisonment not to exceed 90 days, or both. (\$500.00).~~

- 33 c. For a third or subsequent conviction within three years, a
34 violation is a Class 2 misdemeanor. a-A fine shall be imposed
35 of not less than five hundred dollars (\$500.00) or double the
36 value of the fish which are the subject of the transaction,
37 whichever is greater, or imprisonment not to exceed six months, or
38 both. greater.

- 39 (2) A violation of any other provision of this section other than
40 subsections (a), (g), or (h), or of any rule of the Marine Fisheries
41 Commission other than a rule implementing subsections (a), (g), or (h)
42 of this section, is punishable under G.S. 113-135(a)."

43 Sec. 59. Effective January 1, 1997, G.S. 115C-290.3 reads as rewritten:

44 "**§ 115C-290.3. False representation of qualifications prohibited.**

1 It is unlawful for a person whom the Board has not qualified for certification as a
2 public school administrator to represent himself or herself as having been qualified by
3 the Board or to hold himself or herself out to the public by any title or description
4 denoting that he or she has been qualified by the Board. A person who violates this
5 section is guilty of a misdemeanor and is punishable by imprisonment for up to six months, a
6 fine of up to two hundred dollars (\$200.00), or both. Class 2 misdemeanor."

7 Sec. 60. G.S. 136-20(e), as amended by Section 979 of Chapter 539 of the
8 1993 Session Laws, reads as rewritten:

9 "(e) If any railroad company so ordered by the Secretary of Transportation to
10 construct an underpass or overpass or to install safety devices at grade crossings as
11 hereinbefore provided for shall fail or refuse to comply with the order of the Secretary
12 of Transportation requiring such construction or installation, said railroad company
13 shall be guilty of a Class 3 misdemeanor and shall only be fined not less than fifty
14 dollars (\$50.00) nor more than one hundred dollars (\$100.00) in the discretion of the
15 court for each day such failure or refusal shall continue, each said day to constitute a
16 separate offense."

17 Sec. 61. G.S. 143-34, as amended by Section 1003 of Chapter 539 of the
18 1993 Session Laws, reads as rewritten:

19 "**§ 143-34. Penalties and punishment for violations.**

20 A refusal to perform any of the requirements of this Article, and the refusal to
21 perform any rule or requirement or request of the Director of the Budget made pursuant
22 to, or under authority of, the Executive Budget Act, shall subject the offender to penalty
23 of two hundred ~~and~~ fifty dollars (\$250.00), to be recovered in an action instituted either
24 in Wake County Superior Court, or any other county, by the Attorney General for the
25 use of the State of North Carolina, and shall also constitute a Class 1 misdemeanor. If
26 such offender be not an officer elected by vote of the people, such offense shall be
27 sufficient cause for removal from office or dismissal from employment by the Governor
28 upon 30 days' notice in writing to such offender."

29 Sec. 62. G.S. 143-153, as amended by Section 1015 of Chapter 539 of the
30 1993 Session Laws, reads as rewritten:

31 "**§ 143-153. Keeping swine near State institutions; penalty.**

32 On the petition of a majority of the legal voters living within a radius of one quarter
33 of a mile of the administrative building of any State educational or charitable institution,
34 it shall be unlawful for any person to keep swine or swine pens within such radius of
35 one quarter of a mile. Any person violating this section shall be guilty of a Class 3
36 misdemeanor and shall ~~only~~ be subject to only a fine of not less than ten dollars (\$10.00)
37 nor more than fifty dollars (\$50.00)."

38 Sec. 63. G.S. 143B-267, as amended by Section 43 of Chapter 538 of the
39 1993 Session Laws, reads as rewritten:

40 "**§ 143B-267. Post-Release Supervision and Parole Commission – members;
41 selection; removal; chairman; compensation; quorum; services.**

42 The Post-Release Supervision and Parole Commission shall consist of five full-time
43 members. The five full-time members shall be appointed by the Governor from persons
44 whose recognized ability, training, experience, and character qualify them for service on

1 the Commission. The terms of office of the five members presently serving on the
2 Commission shall expire on June 30, 1993. The terms of three members appointed
3 effective July 1, 1993, shall be for three years. The terms of two members appointed
4 effective July 1, 1993, shall be for four years. Thereafter, the terms of office of persons
5 appointed by the Governor as members of the Commission shall be for four years or
6 until their successors are appointed and qualify. Any appointment to fill a vacancy on
7 the Commission created by the resignation, removal, death or disability of a full-time
8 member shall be for the balance of the unexpired term only.

9 The Governor shall have the authority to remove any member of the Commission
10 from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of
11 G.S. 143B-13. The Governor shall designate a full-time member of the Commission to
12 serve as chairman of the Commission at the pleasure of the Governor.

13 With regard to the transaction of the business of the Commission the following
14 procedure shall be followed: The chairman shall designate panels of two voting
15 ~~commission~~ Commission members and shall designate a third commissioner to serve as
16 an alternate member of a panel. Insofar as practicable, the chairman shall assign the
17 members to panels in such fashion that each commissioner sits a substantially equal
18 number of times with each other commissioner. Whenever any matter of business, such
19 as the granting, denying, revoking or rescinding of parole, or the authorization of work-
20 release privileges to a prisoner, shall come before the Commission for consideration and
21 action, the chairman shall refer such matter to a panel. Action may be taken by
22 concurring vote of the two sitting panel members. If there is not a concurring vote of
23 the two panel members, the matter will be referred to the alternate member who shall
24 cast the deciding vote. However, no person serving a sentence of life imprisonment
25 shall be granted parole or work-release privileges except by majority vote of the full
26 ~~commission~~ Commission.

27 The full-time members of the Commission shall receive the salary fixed by the
28 General Assembly in the Current Operations Appropriations Act and shall receive
29 necessary travel and subsistence expenses in accordance with the provisions of G.S.
30 138-6.

31 All clerical and other services required by the Commission shall be supplied by the
32 Secretary of Correction."

33 Sec. 64. G.S. 148-4.1(h), as enacted by Section 31 of Chapter 538 of the
34 1993 Session Laws, reads as rewritten:

35 "(h) A person sentenced under Article 81B of Chapter 15A of the General Statutes
36 shall not be released pursuant to this section."

37 Sec. 65. G.S. 148-32.1(b) reads as rewritten:

38 "(b) In the event that the custodian of the local confinement facility certifies in
39 writing to the clerk of the superior court in the county in which said local confinement
40 facility is located that the local confinement facility is filled to capacity, or that the
41 facility cannot reasonably accommodate any more prisoners due to segregation
42 requirements for particular prisoners, or that the custodian anticipates, in light of local
43 experiences, an influx of temporary prisoners at that time, or if the local confinement
44 facility does not meet the minimum standards published pursuant to G.S. 153A-221, any

1 judge of the district court in the district court district as defined in G.S. 7A-133 where
2 the facility is located, or any superior court judge who has jurisdiction pursuant to G.S.
3 7A-47.1 or 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the
4 facility is located may order that the prisoner be transferred to any other qualified local
5 confinement facility within that district or within another such district where space is
6 available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if the
7 prisoner is a non-violent misdemeanor, which local facility shall accept the transferred
8 prisoner, if the prison population has exceeded the limits established in G.S. 148-4.1(d).
9 If no such local confinement facility is available, then any such judge may order the
10 prisoner transferred to such camp or facility as the proper authorities of the Department
11 of Correction shall designate, notwithstanding that the term of imprisonment of the
12 prisoner is ~~180-90~~ days or less. In no event, however, shall a prisoner whose term of
13 imprisonment is less than 30 days be assigned or ordered transferred to any such camp
14 or facility."

15 Sec. 66. G.S. 153A-148.1(b) reads as rewritten:

16 "(b) Punishment. – A person who violates this section is guilty of a ~~misdemeanor~~
17 ~~and may be fined not less than two hundred dollars (\$200.00) nor more than one~~
18 ~~thousand dollars (\$1,000), imprisoned for up to two years, or both. Class 1~~
19 ~~misdemeanor.~~ If the person committing the violation is an officer or employee, that
20 person shall be dismissed from public office or public employment and may not hold
21 any public office or public employment in this State for five years after the violation."

22 Sec. 67. G.S. 160A-208.1(b) reads as rewritten:

23 "(b) Punishment. – A person who violates this section is guilty of a ~~misdemeanor~~
24 ~~and may be fined not less than two hundred dollars (\$200.00) nor more than one~~
25 ~~thousand dollars (\$1,000), imprisoned for up to two years, or both. Class 1~~
26 ~~misdemeanor.~~ If the person committing the violation is an officer or employee, that
27 person shall be dismissed from public office or public employment and may not hold
28 any public office or public employment in this State for five years after the violation."

29 Sec. 68. G.S. 160A-308, as amended by Section 1086 of Chapter 539 of the
30 1993 Session Laws, reads as rewritten:

31 "**§ 160A-308. Regulation of dune buggies.**

32 A municipality may by ordinance regulate, restrict and prohibit the use of dune or
33 beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven
34 vehicle specified by the governing body of the municipality on the foreshore, beach
35 strand and the barrier dune system. Violation of any ordinance adopted by the
36 governing body of a municipality pursuant to this section is a Class 3 misdemeanor.

37 Provided, a municipality shall not prohibit the use of such specified vehicles from
38 the foreshore, beach strand and barrier dune system by commercial fishermen for
39 commercial activities. Commercial fishermen, however, shall abide by all other
40 regulations or restrictions duly enacted by municipalities under this section."

41 Sec. 69. G.S. 162A-6.1(g) reads as rewritten:

42 "(g) A public official or employee who knowingly, willfully, and with malice
43 permits any person to have access to information contained in a personnel file, except as
44 is permitted by this section, is guilty of a ~~misdemeanor and upon conviction shall be fined~~

1 ~~an amount not more than five hundred dollars (\$500.00). Class 2 misdemeanor and is~~
2 ~~punishable only by a fine not to exceed five hundred dollars (\$500.00)."~~

3 Sec. 70. G.S. 162A-6.1(h) reads as rewritten:

4 "(h) Any person not specifically authorized by this section to have access to a
5 personnel file designated as confidential, who shall:

- 6 (1) Knowingly and willfully examine in its official filing place; or
7 (2) Remove or copy

8 any portion of a confidential personnel file shall be guilty of a ~~misdemeanor and, upon~~
9 ~~conviction, shall be fined in the discretion of the court, but not in excess of five hundred~~
10 ~~dollars (\$500.00). Class 2 misdemeanor and is punishable only by a fine not to exceed~~
11 ~~five hundred dollars (\$500.00)."~~

12 Sec. 71. The following statutes which contain felony offenses are repealed:

- 13 (1) G.S. 14-9. Conspiring to rebel against the State.
14 (2) G.S. 14-18.1. Conspiracy or solicitation to commit murder; conspiracy
15 or solicitation to commit murder of a law enforcement officer, State
16 official, juror or witness; punishments.
17 (3) G.S. 14-27.6. Penalty for attempt.
18 (4) G.S. 14-50. Conspiracy to injure or damage by use of explosive or
19 incendiary; punishment.
20 (5) G.S. 14-89. Attempted train robbery.
21 (6) G.S. 14-95. Conspiring with officers of railroad companies to
22 embezzle.
23 (7) G.S. 14-212. Perjury in court-martial proceedings.

24 Sec. 72. The following statutes which contain misdemeanor offenses are
25 repealed:

- 26 (1) G.S. 14-78.1. Trading for corn without permission of owner of
27 premises.
28 (2) G.S. 14-80. Larceny of wood and other property from land.
29 (3) G.S. 14-86. Destruction or taking of soft drink bottles.
30 (4) G.S. 14-111. Fraudulently obtaining credit at hospitals and
31 sanatoriums.
32 (5) G.S. 14-117.1. Use of words "army" or "navy" in name of mercantile
33 establishment.
34 (6) G.S. 14-138. Setting fire to woodlands and grasslands with campfires.
35 (7) G.S. 14-161. Malicious removal of packing from railway coaches and
36 other rolling stock.
37 (8) G.S. 14-164. Taking away or injuring exhibits at fairs.
38 (9) G.S. 14-200. Disturbing religious assembly by certain exhibitions.
39 (10) G.S. 14-201. Permitting stone-horses and stone-mules to run at large.
40 (11) G.S. 14-235. Speculating in claims against towns, cities and the State.
41 (12) G.S. 14-257. Permitting escape of or maltreating hired convicts.
42 (13) G.S. 14-270. Sending, accepting or bearing challenges to fight duels.
43 (14) G.S. 14-271. Engaging in and betting on prize fights.
44 (15) G.S. 14-285. Failing to enclose marl beds.

- 1 (16) G.S. 14-345. Sale of cotton at night under certain conditions.
2 (17) G.S. 14-346.1. Sale of bay rum.
3 (18) G.S. 14-346.2. Sale of certain articles on Sunday prohibited; counties
4 excepted.
5 (19) G.S. 14-357. Issuing nontransferable script to laborers.
6 (20) G.S. 14-369. Wounding, capturing or killing of homing pigeons
7 prohibited.
8 (21) G.S. 14-386. Erecting signals and notices in imitation of those of
9 railroads.

10 Sec. 73. Except as otherwise provided, this act becomes effective on the
11 same date that Chapter 539 of the 1993 Session Laws becomes effective, except that if
12 Section 1359 of that act provides that some sections of that act are effective at earlier
13 dates than others, this act becomes effective on the latest of the dates provided by
14 Section 1359. This act applies to offenses occurring on or after the effective date of this
15 act. Prosecutions for offenses committed before the effective date of this act are not
16 abated or affected by this act, and the statutes that would be applicable but for this act
17 remain applicable to those prosecutions.