

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1100

Short Title: Counterfeiting/Negotiable Instruments. (Public)

Sponsors: Representative Baddour.

Referred to: Judiciary II.

April 11, 2001

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CRIMINAL OFFENSE OF COUNTERFEITING
NEGOTIABLE INSTRUMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-119.1. Counterfeiting of negotiable instruments.

(a) The following definitions apply in this section:

(1) Counterfeited. – A negotiable instrument that purports to be genuine, but is not, because it has been falsely made, manufactured, embossed, encoded, duplicated, or altered.

(2) Negotiable instrument. – Defined in G.S. 25-3-104.

(b) Any person who makes, manufactures, buys, sells, exchanges, transfers, tenders, or receives a counterfeited negotiable instrument with the intent that the same be passed or used as true and genuine is guilty of a Class H felony.

(c) Any person with the intent to defraud who transports or possesses three or more counterfeited negotiable instruments is guilty of a Class G felony."

SECTION 2. G.S. 14-119(a) reads as rewritten:

(a) ~~If~~ Unless the conduct is covered under G.S. 14-119.1, if a person makes, forges, or counterfeits:

(1) Any bill, note, warrant, check, order, or similar instrument in imitation of, or purporting to be, a bill, note, warrant, check, order, or similar instrument of or on any financial institution or governmental unit, or any cashier or officer of such an institution or unit; or

(2) Any security purporting to be issued by, or on behalf of, any corporation, financial institution, or governmental unit,

with the intent to injure or defraud any person, corporation, financial institution, or governmental unit, he shall be punished as a Class I felon."

1 **SECTION 3.** G.S. 14-120 reads as rewritten:

2 "**§ 14-120. Uttering forged paper or instrument containing a forged endorsement.**

3 ~~If~~ Unless the conduct is covered under G.S. 14-119.1, if any person, directly or
4 indirectly, whether for the sake of gain or with intent to defraud or injure any other
5 person, shall utter or publish any such false, forged or counterfeited instrument as is
6 mentioned in G.S. 14-119, or shall pass or deliver, or attempt to pass or deliver, any of
7 them to another person (knowing the same to be falsely forged or counterfeited) the
8 person so offending shall be punished as a Class I felon. If any person, directly or
9 indirectly, whether for the sake of gain or with intent to defraud or injure any other
10 person, shall falsely make, forge or counterfeit any endorsement on any instrument
11 described in the preceding section, whether such instrument be genuine or false, or shall
12 knowingly utter or publish any such instrument containing a false, forged or
13 counterfeited endorsement or, knowing the same to be falsely endorsed, shall pass or
14 deliver or attempt to pass or deliver any such instrument containing a forged
15 endorsement to another person, the person so offending shall be guilty of a Class I
16 felony."

17 **SECTION 4.** This act becomes effective December 1, 2001, and applies to
18 offenses committed on or after that date.