

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 55

Short Title: Criminal Technical Amendments.

(Public)

Sponsors: Representatives Barnes; Burton, Cole, Dickson, Gardner, Gottovi, Kuczmarski, McLawhorn, Sexton, Spears, Stewart, Sutton, Wilkins, and Yongue.

Referred to: Judiciary III.

February 8, 1994

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

"(a) Except as provided in subsections (b) and (c), every person who shall be
convicted of any misdemeanor for which no specific classification and no specific
punishment is prescribed by statute shall be punishable as a Class 1 misdemeanor. Any
misdemeanor that has a specific punishment, but is not assigned a classification by the
General Assembly pursuant to law is classified as follows, based on the maximum
punishment allowed by law for the offense as it existed on the effective date of Article
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. 4. (a) Section 164 of Chapter 539 of the 1993 Session Laws is repealed.

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

39 **"§ 14-269.2. Weapons on campus or other educational property.**

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

- 41 (1) Educational property. – Any public or private school building or bus,
 42 public or private school campus, grounds, recreational area, athletic
 43 field, or other property owned, used, or operated by any board of

1 education, school, college, or university board of trustees, or directors
2 for the administration of any public or private educational institution.

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

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

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

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

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

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

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

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

39 (1) The person is not a student attending school on the educational
40 property;

41 (2) The firearm is not concealed within the meaning of G.S. 14-269;

42 (3) The firearm is not loaded and is in a locked container, a locked
43 vehicle, or a locked firearm rack which is on a motor vehicle; and

- 1 (4) The person does not brandish, exhibit, or display the firearm in any
2 careless, angry, or threatening manner.
- 3 (g) This section shall not apply to:
- 4 (1) A weapon used solely for educational or school-sanctioned ceremonial
5 purposes, or used in a school-approved program conducted under the
6 supervision of an adult whose supervision has been approved by the
7 school authority;
- 8 (2) Armed forces personnel, officers and soldiers of the militia and
9 national guard, law enforcement personnel, and any private police
10 employed by an educational institution, when acting in the discharge
11 of their official duties; or
- 12 (3) Home schools as defined in G.S. 115C-563(a)."

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

14 "(a) Any minor who possesses or carries a handgun is guilty of a ~~misdemeanor~~
15 ~~punishable by imprisonment for up to six months, a fine of up to five hundred dollars~~
16 ~~(\$500.00), or both. Class 2 misdemeanor.~~"

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

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

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

26 "(c) Any chairman of a board of county commissioners extending prohibitions and
27 restrictions under the authority of this section must take reasonable steps to give notice
28 of its terms to those likely to be affected. The chairman of the board of commissioners
29 shall proclaim the termination of any prohibitions and restrictions extended under the
30 authority of this section upon:

- 31 (1) His determination that they are no longer necessary; or
- 32 (2) The determination of the board of county commissioners that they are
33 no longer necessary; or
- 34 (3) The termination of the prohibitions and restrictions within the
35 municipality."

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

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

38 "**§ 14-303. Violation of two preceding sections a misdemeanor.**

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

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

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

44 "**§ 14-309. Violation made misdemeanor.**

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

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

5 **"§ 14-311. Penalty for violation.**

6 Any persons violating the provisions of this Article shall be guilty of a ~~misdemeanor~~
7 ~~and shall be punishable by imprisonment in the county or municipal jail for not less than~~
8 ~~30 days nor more than 90 days, or by a fine of not less than fifty dollars (\$50.00) nor~~
9 ~~more than five hundred dollars (\$500.00), or by both such fine and imprisonment in the~~
10 ~~discretion of the court.~~ Class 2 misdemeanor."

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

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

18 (1) Possesses it in violation of G.S. 14-269.2(b);

19 (2) Exhibits it in a public place in a careless, angry, or threatening manner;

20 (3) Causes personal injury or death with it not in self defense; or

21 (4) Uses it in the commission of a crime."

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

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

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

25 **"§ 14-318.2. Child abuse a ~~general~~ Class 1 misdemeanor."**

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

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

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

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

33 **"§ 15A-266.11. Unauthorized uses of DNA Databank; penalties.**

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

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

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

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

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

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

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

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

6 "c. In the courts of the United States, another state, the armed
7 services of the United States, or another ~~county,~~ country,
8 regardless of whether the offense would be a crime if it
9 occurred in North Carolina,".

10 Sec. 18. G.S. 15A-1340.13(c), as enacted by Section 1 of Chapter 538 of the
11 1993 Session Laws, reads as rewritten:

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

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

20 "(f) Suspension of Sentence. – Unless otherwise provided, the court shall not
21 suspend the sentence of imprisonment if the class of offense and prior record level ~~does~~
22 do not permit community or intermediate punishment as a sentence disposition. The
23 court shall suspend the sentence of imprisonment if the class of offense and prior record
24 level ~~requires~~ require community or intermediate punishment as a sentence disposition.
25 The court may suspend the sentence of imprisonment if the class of offense and prior
26 record level ~~authorizes,~~ authorize, but ~~does do not~~ require, active punishment as a
27 sentence disposition."

28 Sec. 19. G.S. 15A-1340.13(h)(1), as enacted by Section 1 of Chapter 538 of
29 the 1993 Session Laws, reads as rewritten:

30 "(1) The offense is a Class A ~~offense;~~ felony."

31 Sec. 20. G.S. 15A-1340.17(d), as enacted by Section 1 of Chapter 538 of the
32 1993 Session Laws, reads as rewritten:

33 "(d) Maximum Sentences Specified for Class F through Class I Felonies. – Unless
34 provided otherwise in a statute establishing a punishment for a specific crime, for each
35 minimum term of imprisonment in the chart in subsection (c) of this section, expressed
36 in months, the corresponding maximum term of imprisonment, also expressed in
37 months, is as specified in the table below for Class F through Class I felonies. The first
38 figure in each cell in the table is the minimum term and the second is the maximum
39 term.

40

41 <u>3-4</u>	4-5	5-6	6-8	7-9	8-10	9-11	10-12
42 11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
43 19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32
44 27-33	28-34	29-35	30-36	31-38	32-39	33-40	34-41

1 35-42 36-44 37-45 38-46 39-47 40-48 41-50 42-51
 2 43-52 44-53 45-54 46-56 47-57 48-58 49-59".

3 Sec. 21. G.S. 15A-1340.17(e), as enacted by Section 1 of Chapter 538 of the
 4 1993 Session Laws, is amended by deleting the phrase "2957362" and substituting
 5 "294-362".

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

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

- 12 (1) For misdemeanants sentenced to community punishment, not less ~~that~~
 13 than six nor more than 18 months;
- 14 (2) For misdemeanants sentenced to intermediate punishment, not less
 15 than 12 nor more than 24 months;
- 16 (3) For felons sentenced to community punishment, not less than 12 nor
 17 more than 30 months; and
- 18 (4) For felons sentenced to intermediate punishment, not less than 18 nor
 19 more than 36 months.

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

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

26 "(b) Effect of Consecutive Terms. – In determining the effect of consecutive
 27 sentences imposed under authority of this Article and the manner in which they will be
 28 served, the Department of Correction must treat the defendant as though he has been
 29 committed for a single term with the following incidents:

- 30 (1) The maximum prison sentence consists of the total of the maximum
 31 terms of the consecutive ~~sentences; sentences,~~ less nine months for
 32 each of the second and subsequent sentences imposed for Class B
 33 through Class E felonies; and
- 34 (2) ~~The minimum term, if any, term~~ consists of the total of the minimum
 35 terms of the consecutive sentences."

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

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

1 Sec. 25. G.S. 15A-1368(b), as enacted by Section 20.1 of Chapter 538 of the
2 1993 Session Laws, reads as rewritten:

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

6 Sec. 26. G.S. 15A-1368.1, as enacted by Section 20.1 of Chapter 538 of the
7 1993 Session Laws, reads as rewritten:

8 **"§ 15A-1368.1. Applicability of Article 84A.**

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

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

15 "(e) Timing of Revocation. – The Commission may revoke post-release
16 supervision for violation of a condition during the period of supervision. The
17 Commission may also revoke post-release supervision following a period of supervision
18 if:

- 19 (1) Before the expiration of the period of post-release supervision, the
20 Commission has recorded its intent to conduct a revocation hearing;
21 and
- 22 (2) The Commission finds that every reasonable effort has been made to
23 notify the supervisee and conduct the hearing earlier. **Prima facie**
24 evidence of reasonable effort to notify is the issuance of a temporary
25 or conditional revocation order, as provided in G.S. 15A-1376, that
26 goes unserved."

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

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

- 30 a. Results from an incorrect determination of the defendant's prior
31 record level under G.S. 15A-1340.14 or the defendant's prior
32 conviction level under G.S. 15A-1340.21;
- 33 b. Contains a type of sentence disposition that is not authorized by
34 G.S. 15A-1340.17 or G.S. 15A-1340.23 for the defendant's
35 class of offense and prior record or conviction level; ~~or~~
- 36 c. Contains a term of imprisonment that is for a duration not
37 authorized by G.S. 15A-1340.17 or G.S. 15A-1340.23 for the
38 defendant's class of offense and prior record or conviction ~~level~~
39 level; or
- 40 d. Imposes an intermediate punishment pursuant to G.S. 15A-
41 1340.13(g) based on findings of extraordinary mitigating
42 circumstances that are not supported by evidence or are
43 insufficient as a matter of law to support the dispositional
44 deviation."

1 Sec. 29. G.S. 18B-102(b), as amended by Section 310 of Chapter 539 of the
2 1993 Session Laws, reads as rewritten:

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

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

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

9 "(a) An employee of the Division or of an agent of the Division who does any of
10 the following commits a Class 1 felony:

11 (1) Charges or accepts any money or other thing of value, except the
12 required fee, for the issuance of a drivers license or a special
13 identification card.

14 (2) Knowing it is false, accepts false proof of identification submitted for
15 a drivers license or a special identification card.

16 (3) Knowing it is false, enters false information concerning a drivers
17 license or a special identification card in the records of the Division."

18 Sec. 31. G.S. 20-37.6(c3), as enacted by Section 1 of Chapter 373 of the
19 1993 Session Laws, reads as rewritten:

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

24 Sec. 32. G.S. 20-138.5(b), as amended by Section 1258 of Chapter 539 of the
25 1993 Session Laws, reads as rewritten:

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

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

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

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

37 **"§ 23-9. Creditors to file verified claims with clerk; false swearing misdemeanor.**

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

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

44 **"§ 49-8. Power of court to modify orders, suspend sentence, etc.**

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

- 9 (1) ~~Commit the defendant to prison for a term not to exceed six months;~~
10 (2) Suspend sentence and continue the case from term to term;
11 (3) Release the defendant from custody on probation conditioned upon the
12 defendant's compliance with the terms of the probation and the
13 payment of the sum fixed for the support and maintenance of the child;
14 (4) Order the defendant to pay to the mother of the said child the
15 necessary expenses of birth of the child and suitable medical attention
16 for her;
17 (5) Require the defendant to sign a recognizance with good and sufficient
18 security, for compliance with any order which the court may make in
19 proceedings under this Article."

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

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

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

23 "(b) Each officer and director of a domestic or foreign corporation who knowingly
24 fails or refuses, within the time prescribed by this Chapter, to answer truthfully and fully
25 interrogatories propounded to him by the Secretary of State in accordance with the
26 provisions of this Chapter shall be guilty of a Class 1 misdemeanor."

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

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

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

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

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

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

36 "**§ 66-11. Dealing in regulated metals property; violations of section Class 1**
37 **misdemeanor**."

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

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

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

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

8 Sec. 42. G.S. 72-7.1(d), as amended by Section 545 of Chapter 539 of the
9 1993 Session Laws, reads as rewritten:

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

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

13 **"§ 75-28. Unauthorized disclosure of tax information; violation a Class 1**
14 **misdemeanor."**

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

16 "(c) Violation of the navigation rules specified in subsection (a) of this section
17 shall constitute a ~~misdemeanor punishable by a fine not to exceed one hundred dollars~~
18 ~~(\$100.00).~~ Class 3 misdemeanor."

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

21 **"§ 76A-46. Compulsory use of pilots.**

22 Every foreign vessel and every United States vessel sailing under register, including
23 such vessels towing or being towed when underway or docking in ~~the~~ the waters of the
24 Morehead City Harbor and Beaufort Bar, either incoming or outgoing, and over 60
25 gross tons, shall employ and utilize a State licensed pilot. Every foreign vessel sailing
26 including such vessels towing or being towed when underway or docking in the
27 Morehead City to Aurora water route, and over 60 gross tons, shall employ and utilize a
28 State licensed pilot. Any master of a vessel violating this section by failing to use a
29 State licensed pilot shall be guilty of a Class 1 misdemeanor except as provided for in
30 G.S. 76A-54."

31 Sec. 46. G.S. 90-95(h)(3), as amended by Section 30 of Chapter 538 of the
32 1993 Session Laws, reads as rewritten:

33 "(3) Any person who sells, manufactures, delivers, transports, or possesses
34 28 grams or more of cocaine and any salt, isomer, salts of isomers,
35 compound, derivative, or preparation thereof, or any coca leaves and
36 any salt, isomer, salts of isomers, compound, derivative, or preparation
37 of coca leaves, and any salt, isomer, salts of isomers, compound,
38 derivative or preparation thereof which is chemically equivalent or
39 identical with any of these substances (except ~~deco~~
40 decocainized coca leaves or any extraction of coca leaves which does
41 not contain cocaine) or any mixture containing such substances, shall
42 be guilty of a felony, which felony shall be known as 'trafficking in
43 cocaine' and if the quantity of such substance or mixture involved:

- 1 a. Is 28 grams or more, but less than 200 grams, such person shall
2 be punished as a Class G felon and shall be sentenced to a
3 minimum term of 35 months and a maximum term of 42
4 months in the State's prison and shall be fined not less than fifty
5 thousand dollars (\$50,000);
6 b. Is 200 grams or more, but less than 400 grams, such person
7 shall be punished as a Class F felon and shall be sentenced to a
8 minimum term of 70 months and a maximum term of 84
9 months in the State's prison and shall be fined not less than one
10 hundred thousand dollars (\$100,000);
11 c. Is 400 grams or more, such person shall be punished as a Class
12 D felon and shall be sentenced to a minimum term of 175
13 months and a maximum term of 219 months in the State's
14 prison and shall be fined at least two hundred fifty thousand
15 dollars (\$250,000)."

16 Sec. 47. G.S. 90-95(h)(4)b., as amended by Section 30 of Chapter 538 of the
17 1993 Session Laws, reads as rewritten:

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

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

24 "(a) Unlawful Acts. – It is unlawful to engage in the practice of acupuncture
25 without a license issued pursuant to this Article. It is unlawful to advertise or otherwise
26 represent oneself as qualified or authorized to engage in the practice of acupuncture
27 without having the license required by this Article. A violation of this subsection is a
28 ~~misdemeanor punishable by imprisonment for up to two years, a fine, or both. Class 1~~
29 misdemeanor."

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

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

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

37 "(d) Application Forms; Rules; Fees. – Applications for registration, renewal of
38 registration, and reinstatement of registration under this section shall be in the form
39 required by the Secretary of State. The Secretary may, by rule, require applicants to
40 furnish supporting information in addition to the information required by subsections
41 (a), (b), and (c) of this section. The Secretary may adopt rules in accordance with
42 Chapter 150B of the General Statutes that are needed to carry out the Secretary's
43 responsibilities under this Division. The Secretary shall prepare blank forms for the
44 applications and shall distribute them throughout the State and furnish them on request.

1 Each application shall be signed by the owners of the business or, in the case of a
2 corporation, by its president, vice-president, treasurer, or secretary. There shall be
3 annexed to the application the affirmation of the person making the application in the
4 following form: 'Under penalties prescribed by law, I certify and affirm that to the best
5 of my knowledge and belief this application is true and complete.' A person who
6 submits a false application is guilty of a Class 1 misdemeanor and is punishable as
7 provided in G.S. 14-3.

8 The fee for filing an application for registration under this section shall be one
9 hundred dollars (\$100.00). The fee for filing an application for renewal of registration
10 under this section shall be fifty dollars (\$50.00). The fee for filing an application for
11 reinstatement of registration under this section shall be fifty dollars (\$50.00).

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

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

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

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

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

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

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

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

36 Sec. 53. (a) Section 785 of Chapter 539 of the 1993 Session Laws is repealed.

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

38 "**§ 106-451. Numbering of cotton bales by public ginneries; public gin defined.**

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

- 1 (1) Attach a metal strip carrying the serial number to one of the ties of the
2 bale and ahead of the tie lock, and so secure it that ordinary handling
3 will not remove or disfigure the number.
4 (2) Impress the serial number upon one of the bands or ties around the
5 bale.

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

10 (b) Any person, firm or corporation buying a bale of cotton on which this number
11 has: (i) been removed; (ii) defaced by cutting; (iii) or otherwise altered, unless a new
12 metal strip is attached and impression made by the original gin ginning said bale or
13 bales of cotton, shall be guilty of a Class 3 misdemeanor for each and every ~~offense and~~
14 ~~upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not more than~~
15 ~~30 days.~~ offense.

16 (c) Every public ginnery, as defined in subsection (a) of this section, shall keep a
17 book in which shall be registered all cotton received at the gin to be ginned in the name
18 of the owner of the cotton and the name of the person from whom the cotton is received
19 for ginning. Any person giving false information for entry in this book shall be guilty of
20 a Class 1 misdemeanor. There shall be furnished by the ginner for each bale of cotton
21 ginned, to the owner thereof, a gin ticket bearing the name of the gin, the serial number
22 of the bale prescribed by subsection (a) of this section, the weight of the bale and the
23 name of the owner of the cotton. Such gin ticket shall be presented, for comparison with
24 the serial number prescribed in subsection (a) of this section, at the time such bale is
25 sold or offered for sale, as **prima facie** evidence of ownership thereof."

26 Sec. 54. (a) Section 784 of Chapter 539 of the 1993 Session Laws is repealed.

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

28 "**§ 106-451.1. Purchasers of cotton to keep records of purchases.**

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

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

- 41 "(1) Any person that shall neglect or refuse to attend and testify or to
42 answer any lawful inquiry, or to produce documentary evidence, if in
43 his or its power to do so, in obedience to the subpoena or lawful

1 requirement of the Commissioner shall be guilty of a Class 1
2 misdemeanor."

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

4 **"§ 106-764. Violation.**

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

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

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

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

16 a. For a ~~first conviction, conviction or a subsequent conviction not~~
17 ~~described in subdivision (1)b. or c.,~~ a violation is a Class 3
18 misdemeanor punishable by a fine of not less than fifty dollars
19 (\$50.00) or double the value of the fish which are the subject of
20 the transaction, whichever is greater, not to exceed two hundred
21 fifty dollars (\$250.00), or imprisonment not to exceed 30 days.

22 b. For a second conviction within three years, a violation is a
23 Class 2 misdemeanor punishable by a fine of not less than two
24 hundred fifty dollars (\$250.00) or double the value of the fish
25 which are the subject of the transaction, whichever is greater,
26 not to exceed five hundred dollars (\$500.00), or imprisonment
27 not to exceed 90 days, or both.

28 c. For a third or subsequent conviction within three years, a
29 violation is a Class 2 misdemeanor punishable by a fine of not
30 less than five hundred dollars (\$500.00) or double the value of
31 the fish which are the subject of the transaction, whichever is
32 greater, or imprisonment not to exceed six months, or both.

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

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

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

41 (1) A violation of subsections (a), (g), or (h) or a rule of the Marine
42 Fisheries Commission implementing any of those subsections is a
43 ~~misdemeanor~~ punishable as follows:

- 1 a. For a first ~~conviction~~, conviction or for a subsequent conviction
2 not described in subdivision (1)b. or c., a violation is a Class 3
3 misdemeanor punishable by a fine of not less than fifty dollars
4 (\$50.00) or double the value of the fish which are the subject of
5 the transaction, whichever is greater, not to exceed two hundred
6 fifty dollars (\$250.00), or imprisonment not to exceed 30 days.
- 7 b. For a second conviction within three years, a violation is a
8 Class 2 misdemeanor punishable by a fine of not less than two
9 hundred fifty dollars (\$250.00) or double the value of the fish
10 which are the subject of the transaction, whichever is greater,
11 not to exceed five hundred dollars (\$500.00), or imprisonment
12 not to exceed 90 days, or both.
- 13 c. For a third or subsequent conviction within three years, a
14 violation is a Class 2 misdemeanor punishable by a fine of not
15 less than five hundred dollars (\$500.00) or double the value of
16 the fish which are the subject of the transaction, whichever is
17 greater, or imprisonment not to exceed six months, or both.
- 18 (2) A violation of any other provision of this section other than
19 subsections (a), (g), or (h), or of any rule of the Marine Fisheries
20 Commission other than a rule implementing subsections (a), (g), or (h)
21 of this section, is punishable under G.S. 113-135(a)."

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

23 **"§ 115C-290.3. False representation of qualifications prohibited.**

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

30 Sec. 60. G.S. 136-20(e), as amended by Section 979 of Chapter 539 of the
31 1993 Session Laws, reads as rewritten:

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

40 Sec. 61. G.S. 143-34, as amended by Section 1003 of Chapter 539 of the
41 1993 Session Laws, reads as rewritten:

42 **"§ 143-34. Penalties and punishment for violations.**

43 A refusal to perform any of the requirements of this Article, and the refusal to
44 perform any rule or requirement or request of the Director of the Budget made pursuant

1 to, or under authority of, the Executive Budget Act, shall subject the offender to penalty
2 of two hundred and fifty dollars (\$250.00), to be recovered in an action instituted either
3 in Wake County Superior Court, or any other county, by the Attorney General for the
4 use of the State of North Carolina, and shall also constitute a Class 1 misdemeanor. If
5 such offender be not an officer elected by vote of the people, such offense shall be
6 sufficient cause for removal from office or dismissal from employment by the Governor
7 upon 30 days' notice in writing to such offender."

8 Sec. 62. G.S. 143-153, as amended by Section 1015 of Chapter 539 of the
9 1993 Session Laws, reads as rewritten:

10 **"§ 143-153. Keeping swine near State institutions; penalty.**

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

17 Sec. 63. G.S. 143B-267, as amended by Section 43 of Chapter 538 of the
18 1993 Session Laws, reads as rewritten:

19 **"§ 143B-267. Parole Commission – members; selection; removal; chairman;
20 compensation; quorum; services.**

21 The Parole Commission shall consist of five full-time members. The five full-time
22 members shall be appointed by the Governor from persons whose recognized ability,
23 training, experience, and character qualify them for service on the Commission. The
24 terms of office of the five members presently serving on the Commission shall expire on
25 June 30, 1993. The terms of three members appointed effective July 1, 1993, shall be
26 for three years. The terms of two members appointed effective July 1, 1993, shall be for
27 four years. Thereafter, the terms of office of persons appointed by the Governor as
28 members of the Commission shall be for four years or until their successors are
29 appointed and qualify. Any appointment to fill a vacancy on the Commission created
30 by the resignation, removal, death or disability of a full-time member shall be for the
31 balance of the unexpired term only.

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

36 With regard to the transaction of the business of the Commission the following
37 procedure shall be followed: The chairman shall designate panels of two voting
38 ~~commission~~ Commission members and shall designate a third commissioner to serve as
39 an alternate member of a panel. Insofar as practicable, the chairman shall assign the
40 members to panels in such fashion that each commissioner sits a substantially equal
41 number of times with each other commissioner. Whenever any matter of business, such
42 as the granting, denying, revoking or rescinding of parole, or the authorization of work-
43 release privileges to a prisoner, shall come before the Commission for consideration and
44 action, the chairman shall refer such matter to a panel. Action may be taken by

1 concurring vote of the two sitting panel members. If there is not a concurring vote of
2 the two panel members, the matter will be referred to the alternate member who shall
3 cast the deciding vote. However, no person serving a sentence of life imprisonment
4 shall be granted parole or work-release privileges except by majority vote of the full
5 ~~commission.~~ Commission.

6 The full-time members of the Commission shall receive the salary fixed by the
7 General Assembly in the Current Operations Appropriations Act and shall receive
8 necessary travel and subsistence expenses in accordance with the provisions of G.S.
9 138-6.

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

12 Sec. 64. G.S. 148-4.1(h), as enacted by Section 31 of Chapter 538 of the
13 1993 Session Laws, reads as rewritten:

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

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

17 "(b) In the event that the custodian of the local confinement facility certifies in
18 writing to the clerk of the superior court in the county in which said local confinement
19 facility is located that the local confinement facility is filled to capacity, or that the
20 facility cannot reasonably accommodate any more prisoners due to segregation
21 requirements for particular prisoners, or that the custodian anticipates, in light of local
22 experiences, an influx of temporary prisoners at that time, or if the local confinement
23 facility does not meet the minimum standards published pursuant to G.S. 153A-221, any
24 judge of the district court in the district court district as defined in G.S. 7A-133 where
25 the facility is located, or any superior court judge who has jurisdiction pursuant to G.S.
26 7A-47.1 or 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the
27 facility is located may order that the prisoner be transferred to any other qualified local
28 confinement facility within that district or within another such district where space is
29 available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if the
30 prisoner is a non-violent misdemeanor, which local facility shall accept the transferred
31 prisoner, if the prison population has exceeded the limits established in G.S. 148-4.1(d).
32 If no such local confinement facility is available, then any such judge may order the
33 prisoner transferred to such camp or facility as the proper authorities of the Department
34 of Correction shall designate, notwithstanding that the term of imprisonment of the
35 prisoner is ~~180-90~~ days or less. In no event, however, shall a prisoner whose term of
36 imprisonment is less than 30 days be assigned or ordered transferred to any such camp
37 or facility."

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

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

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

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

8 Sec. 68. G.S. 160A-308, as amended by Section 1086 of Chapter 539 of the
9 1993 Session Laws, reads as rewritten:

10 **"§ 160A-308. Regulation of dune buggies.**

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

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

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

21 "(g) A public official or employee who knowingly, willfully, and with malice
22 permits any person to have access to information contained in a personnel file, except as
23 is permitted by this section, is guilty of a ~~misdemeanor and upon conviction shall be fined~~
24 ~~an amount not more than five hundred dollars (\$500.00). Class 3 misdemeanor.~~"

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

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

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

30 any portion of a confidential personnel file shall be guilty of a ~~misdemeanor and, upon~~
31 ~~conviction, shall be fined in the discretion of the court, but not in excess of five hundred~~
32 ~~dollars (\$500.00). Class 3 misdemeanor.~~"

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

- 34 (1) G.S. 14-9. Conspiring to rebel against the State.
35 (2) G.S. 14-18.1. Conspiracy or solicitation to commit murder; conspiracy
36 or solicitation to commit murder of a law enforcement officer, State
37 official, juror or witness; punishments.
38 (3) G.S. 14-27.6. Penalty for attempt.
39 (4) G.S. 14-50. Conspiracy to injure or damage by use of explosive or
40 incendiary; punishment.
41 (5) G.S. 14-89. Attempted train robbery.
42 (6) G.S. 14-95. Conspiring with officers of railroad companies to
43 embezzle.
44 (7) G.S. 14-212. Perjury in court-martial proceedings.

1 Sec. 72. The following statutes which contain misdemeanor offenses are
2 repealed:

- 3 (1) G.S. 14-72.3. Removal of shopping cart from shopping premises.
- 4 (2) G.S. 14-72.4. Unauthorized taking or sale of labeled dairy milk cases
5 or milk crates bearing the name or label of owner.
- 6 (3) G.S. 14-78.1. Trading for corn without permission of owner of
7 premises.
- 8 (4) G.S. 14-80. Larceny of wood and other property from land.
- 9 (5) G.S. 14-82. Taking horses, mules, or dogs for temporary purposes.
- 10 (6) G.S. 14-86. Destruction or taking of soft drink bottles.
- 11 (7) G.S. 14-111. Fraudulently obtaining credit at hospitals and
12 sanatoriums.
- 13 (8) G.S. 14-117.1. Use of words "army" or "navy" in name of mercantile
14 establishment.
- 15 (9) G.S. 14-138. Setting fire to woodlands and grasslands with campfires.
- 16 (10) G.S. 14-161. Malicious removal of packing from railway coaches and
17 other rolling stock.
- 18 (11) G.S. 14-164. Taking away or injuring exhibits at fairs.
- 19 (12) G.S. 14-200. Disturbing religious assembly by certain exhibitions.
- 20 (13) G.S. 14-201. Permitting stone-horses and stone-mules to run at large.
- 21 (14) G.S. 14-235. Speculating in claims against towns, cities and the State.
- 22 (15) G.S. 14-257. Permitting escape of or maltreating hired convicts.
- 23 (16) G.S. 14-270. Sending, accepting or bearing challenges to fight duels.
- 24 (17) G.S. 14-271. Engaging in and betting on prize fights.
- 25 (18) G.S. 14-285. Failing to enclose marl beds.
- 26 (19) G.S. 14-345. Sale of cotton at night under certain conditions.
- 27 (20) G.S. 14-346.1. Sale of bay rum.
- 28 (21) G.S. 14-346.2. Sale of certain articles on Sunday prohibited; counties
29 excepted.
- 30 (22) G.S. 14-357. Issuing nontransferable script to laborers.
- 31 (23) G.S. 14-369. Wounding, capturing or killing of homing pigeons
32 prohibited.
- 33 (24) G.S. 14-386. Erecting signals and notices in imitation of those of
34 railroads.

35 Sec. 73. Except as otherwise provided, this act becomes effective July 1,
36 1994, and applies to offenses occurring on or after that date.