

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 55  
Committee Substitute Favorable 2/22/94

Short Title: Criminal Technical Amendments.

(Public)

Sponsors:

Referred to:

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, AND  
TO PROVIDE FOR THE EARLIER IMPLEMENTATION OF STRUCTURED  
SENTENCING.

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

1 punishment allowed by law for the offense as it existed on the effective date of Article  
2 81B of Chapter 15A of the General ~~Statutes~~-Statutes:

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

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

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

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

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 Repealed by Session Laws 1991, c. 525, ~~s. 1~~-s. 1;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

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

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

41 "**§ 14-269.2. Weapons on campus or other educational property.**

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

- 43 (1) Educational property. – Any public or private school building or bus,  
44 public or private school campus, grounds, recreational area, athletic

1 field, or other property owned, used, or operated by any board of  
2 education, school, college, or university board of trustees, or directors  
3 for the administration of any public or private educational institution.

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

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

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

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

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

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

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

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

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

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

43 (3) The firearm is not loaded and is in a locked container, a locked  
44 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 1 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) reads as rewritten:

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

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

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

39								
40	<u>3-4</u>	4-5	5-6	6-8	7-9	8-10	9-11	10-12
41	11-14	12-15	13-16	14-17	15-18	16-20	17-21	18-22
42	19-23	20-24	21-26	22-27	23-28	24-29	25-30	26-32
43	27-33	28-34	29-35	30-36	31-38	32-39	33-40	34-41
44	35-42	36-44	37-45	38-46	39-47	40-48	41-50	42-51

1 43-52 44-53 45-54 46-56 47-57 48-58 49-59".

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

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

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

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

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

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

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

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

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

37 "(5) Maximum imposed term. – The maximum term of imprisonment  
38 imposed on an individual prisoner by a court judgment, as described in  
39 G.S. 15A-1340.13(c). When a prisoner is serving consecutive prison  
40 terms, the maximum imposed term, for purposes of this Article, is the  
41 sum of all maximum terms imposed in the court ~~judgment.~~ judgment,  
42 less nine months for each of the second and subsequent sentences  
43 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 I~~ 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 and is punishable only by a fine not to exceed one  
19 hundred dollars (\$100.00)."

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

22 **"§ 76A-46. Compulsory use of pilots.**

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

32           Sec. 46. G.S. 90-95(h)(3), as amended by Section 30 of Chapter 538 of the  
33 1993 Session Laws, reads as rewritten:

34       "(3) Any person who sells, manufactures, delivers, transports, or possesses  
35 28 grams or more of cocaine and any salt, isomer, salts of isomers,  
36 compound, derivative, or preparation thereof, or any coca leaves and  
37 any salt, isomer, salts of isomers, compound, derivative, or preparation  
38 of coca leaves, and any salt, isomer, salts of isomers, compound,  
39 derivative or preparation thereof which is chemically equivalent or  
40 identical with any of these substances (except ~~deco~~  
41 decocainized coca leaves or any extraction of coca leaves which does  
42 not contain cocaine) or any mixture containing such substances, shall  
43 be guilty of a felony, which felony shall be known as 'trafficking in  
44 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 ~~misdemeanor and is punishable as provided in G.S.~~  
7 ~~14-3. Class 1 misdemeanor.~~

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 784 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.~~ Class 3  
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 785 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. a-A fine shall be imposed~~ of not less than fifty  
19 dollars (\$50.00) or double the value of the fish which are the  
20 subject of the transaction, whichever is greater, not to exceed  
21 two hundred fifty dollars (~~\$250.00~~), ~~or imprisonment not to exceed~~  
22 ~~30 days. (\$250.00).~~

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

29 c. For a third or subsequent conviction within three years, a  
30 violation is a Class 1 misdemeanor. ~~a-A fine shall be imposed~~  
31 of not less than five hundred dollars (\$500.00) or double the  
32 value of the fish which are the subject of the transaction,  
33 whichever is ~~greater, or imprisonment not to exceed six months, or~~  
34 ~~both. greater.~~

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

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

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

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

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

28 "**§ 115C-290.3. False representation of qualifications prohibited.**

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

35 Sec. 60. G.S. 136-20(e), as amended by Section 979 of Chapter 539 of the  
36 1993 Session Laws, reads as rewritten:

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



1           Sec. 61. G.S. 143-34, as amended by Section 1003 of Chapter 539 of the  
2 1993 Session Laws, reads as rewritten:

3 **"§ 143-34. Penalties and punishment for violations.**

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

13           Sec. 62. G.S. 143-153, as amended by Section 1015 of Chapter 539 of the  
14 1993 Session Laws, reads as rewritten:

15 **"§ 143-153. Keeping swine near State institutions; penalty.**

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

22           Sec. 63. G.S. 143B-267, as amended by Section 43 of Chapter 538 of the  
23 1993 Session Laws, reads as rewritten:

24 **"§ 143B-267. Post-Release Supervision and Parole Commission – members;  
25 selection; removal; chairman; compensation; quorum; services.**

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

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

41           With regard to the transaction of the business of the Commission the following  
42 procedure shall be followed: The chairman shall designate panels of two voting  
43 ~~commission~~ Commission members and shall designate a third commissioner to serve as  
44 an alternate member of a panel. Insofar as practicable, the chairman shall assign the

1 members to panels in such fashion that each commissioner sits a substantially equal  
2 number of times with each other commissioner. Whenever any matter of business, such  
3 as the granting, denying, revoking or rescinding of parole, or the authorization of work-  
4 release privileges to a prisoner, shall come before the Commission for consideration and  
5 action, the chairman shall refer such matter to a panel. Action may be taken by  
6 concurring vote of the two sitting panel members. If there is not a concurring vote of  
7 the two panel members, the matter will be referred to the alternate member who shall  
8 cast the deciding vote. However, no person serving a sentence of life imprisonment  
9 shall be granted parole or work-release privileges except by majority vote of the full  
10 ~~commission.~~ Commission.

11 The full-time members of the Commission shall receive the salary fixed by the  
12 General Assembly in the Current Operations Appropriations Act and shall receive  
13 necessary travel and subsistence expenses in accordance with the provisions of G.S.  
14 138-6.

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

17 Sec. 64. G.S. 148-4.1(h), as enacted by Section 31 of Chapter 538 of the  
18 1993 Session Laws, reads as rewritten:

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

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

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

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

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

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

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

14           Sec. 68. G.S. 160A-308, as amended by Section 1086 of Chapter 539 of the  
15 1993 Session Laws, reads as rewritten:

16 **"§ 160A-308. Regulation of dune buggies.**

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

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

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

27       "(g) A public official or employee who knowingly, willfully, and with malice  
28 permits any person to have access to information contained in a personnel file, except as  
29 is permitted by this section, is guilty of a ~~misdemeanor and upon conviction shall be fined~~  
30 ~~an amount not more than five hundred dollars (\$500.00). Class 2 misdemeanor and is~~  
31 ~~punishable only by a fine not to exceed five hundred dollars (\$500.00).~~"

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

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

35           (1) Knowingly and willfully examine in its official filing place; or

36           (2) Remove or copy

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

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

42           (1) G.S. 14-9. Conspiring to rebel against the State.

- 1 (2) G.S. 14-18.1. Conspiracy or solicitation to commit murder; conspiracy  
2 or solicitation to commit murder of a law enforcement officer, State  
3 official, juror or witness; punishments.
- 4 (3) G.S. 14-27.6. Penalty for attempt.
- 5 (4) G.S. 14-50. Conspiracy to injure or damage by use of explosive or  
6 incendiary; punishment.
- 7 (5) G.S. 14-89. Attempted train robbery.
- 8 (6) G.S. 14-95. Conspiring with officers of railroad companies to  
9 embezzle.
- 10 (7) G.S. 14-212. Perjury in court-martial proceedings.
- 11 Sec. 72. The following statutes which contain misdemeanor offenses are  
12 repealed:
- 13 (1) G.S. 14-72.3. Removal of shopping cart from shopping premises.
- 14 (2) G.S. 14-72.4. Unauthorized taking or sale of labeled dairy milk cases  
15 or milk crates bearing the name or label of owner.
- 16 (3) G.S. 14-78.1. Trading for corn without permission of owner of  
17 premises.
- 18 (4) G.S. 14-80. Larceny of wood and other property from land.
- 19 (5) G.S. 14-82. Taking horses, mules, or dogs for temporary purposes.
- 20 (6) G.S. 14-86. Destruction or taking of soft drink bottles.
- 21 (7) G.S. 14-111. Fraudulently obtaining credit at hospitals and  
22 sanatoriums.
- 23 (8) G.S. 14-117.1. Use of words "army" or "navy" in name of mercantile  
24 establishment.
- 25 (9) G.S. 14-138. Setting fire to woodlands and grasslands with campfires.
- 26 (10) G.S. 14-161. Malicious removal of packing from railway coaches and  
27 other rolling stock.
- 28 (11) G.S. 14-164. Taking away or injuring exhibits at fairs.
- 29 (12) G.S. 14-200. Disturbing religious assembly by certain exhibitions.
- 30 (13) G.S. 14-201. Permitting stone-horses and stone-mules to run at large.
- 31 (14) G.S. 14-235. Speculating in claims against towns, cities and the State.
- 32 (15) G.S. 14-257. Permitting escape of or maltreating hired convicts.
- 33 (16) G.S. 14-270. Sending, accepting or bearing challenges to fight duels.
- 34 (17) G.S. 14-271. Engaging in and betting on prize fights.
- 35 (18) G.S. 14-285. Failing to enclose marl beds.
- 36 (19) G.S. 14-345. Sale of cotton at night under certain conditions.
- 37 (20) G.S. 14-346.1. Sale of bay rum.
- 38 (21) G.S. 14-346.2. Sale of certain articles on Sunday prohibited; counties  
39 excepted.
- 40 (22) G.S. 14-357. Issuing nontransferable script to laborers.
- 41 (23) G.S. 14-369. Wounding, capturing or killing of homing pigeons  
42 prohibited.
- 43 (24) G.S. 14-386. Erecting signals and notices in imitation of those of  
44 railroads.

1           Sec. 73. G.S. 15A-1340.10, as enacted by Section 1 of Chapter 538 of the  
2 1993 Session Laws, reads as rewritten:

3 **"§ 15A-1340.10. Applicability of structured sentencing.**

4           This Article applies to criminal offenses in North Carolina, other than impaired  
5 driving under G.S. 20-138.1 that occur on or after ~~January 1, 1995~~ July 1, 1994."

6           Sec. 74. G.S. 15A-1371(a1), as amended by Section 22 of Chapter 538 of the  
7 1993 Session Laws, reads as rewritten:

8           "(a1) A prisoner serving a term of life imprisonment is eligible for parole after  
9 serving 25 years. This subsection applies to offenses committed on and after ~~January 1,~~  
10 ~~1995~~ July 1, 1994."

11           Sec. 75. Section 56 of Chapter 538 of the 1993 Session Laws reads as  
12 rewritten:

13           "Sec. 56. This act becomes effective ~~January 1, 1995~~ July 1, 1994, and applies only  
14 to offenses occurring on or after that date. Prosecutions for, or sentences based on,  
15 offenses occurring before the effective date of this act are not abated or affected by the  
16 repeal or amendment in this act of any statute, and the statutes that would be applicable  
17 to those prosecutions or sentences but for the provisions of this act remain applicable to  
18 those prosecutions or sentences."

19           Sec. 76. Section 1359 of Chapter 539 of the 1993 Session Laws reads as  
20 rewritten:

21           "Sec. 1359. This act becomes effective ~~January 1, 1995~~ July 1, 1994, and applies to  
22 offenses occurring on or after that date. Prosecutions for offenses committed before the  
23 effective date of this act are not abated or affected by this act, and the statutes that  
24 would be applicable but for this act remain applicable to those prosecutions."

25           Sec. 77. Nothing in this act shall be construed to obligate the General  
26 Assembly to appropriate funds to implement the provisions of this act.

27           Sec. 78. Except as otherwise provided, this act becomes effective July 1,  
28 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses  
29 committed before the effective date of this act are not abated or affected by this act, and  
30 the statutes that would be applicable but for this act remain applicable to those  
31 prosecutions.