

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 1437

Short Title: High-Level Theft/Increase Penalties.

(Public)

Sponsors: Representatives Johnson; Capps, McGee, and Starnes.

Referred to: Judiciary III.

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR HIGHER-LEVEL THEFTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-72 is amended by adding a new subsection to read:

"(e) Notwithstanding any other provision of law including subsections (a) through (c) of this section, if the value of the property that is the subject of an offense of larceny, possession of stolen goods, or receiving of stolen goods is fifty thousand dollars (\$50,000) or more, but less than one hundred thousand dollars (\$100,000), it is a Class E felony. If the value of the property that is the subject of an offense of larceny, possession of stolen goods, or receiving of stolen goods is one hundred thousand dollars (\$100,000) or more, it is a Class E felony."

SECTION 2. G.S. 14-74 reads as rewritten:

"§ 14-74. Larceny by servants and other employees.

If any servant or other employee, to whom any money, goods or other chattels, or any of the articles, securities or choses in action mentioned in G.S. 14-75, by his master shall be delivered safely to be kept to the use of his master, shall withdraw himself from his master and go away with such money, goods or other chattels, or any of the articles, securities or choses in action mentioned as aforesaid, or any part thereof, with intent to steal the same and defraud his master thereof, contrary to the trust and confidence in him reposed by his said master; or if any servant, being in the service of his master, without the assent of his master, shall embezzle such money, goods or other chattels, or any of the articles, securities or choses in action mentioned as aforesaid, or any part thereof, or otherwise convert the same to his own use, with like purpose to steal them, or to defraud his master thereof, the servant so offending shall be guilty of a felony: Provided, that nothing contained in this section shall extend to apprentices or servants within the age of 16 years. If the value of the money, goods, or other chattels, or any of the articles, securities, or choses in action mentioned in G.S. 14-75, is one hundred thousand dollars (\$100,000) or more, the person is guilty of a Class C felony. If the value of the property is fifty thousand dollars (\$50,000) or more, but less than one

1 hundred thousand dollars (\$100,000), the person is guilty of a Class E felony. If the
2 value of the money, goods, or other chattels, or any of the articles, securities, or choses
3 in action mentioned in G.S. 14-75, is less than ~~one hundred thousand dollars (\$100,000),~~
4 fifty thousand dollars (\$50,000), the person is guilty of a Class H felony."

5 **SECTION 3.** G.S. 14-90 reads as rewritten:

6 "**§ 14-90. Embezzlement of property received by virtue of office or employment.**

7 If any person exercising a public trust or holding a public office, or any guardian,
8 administrator, executor, trustee, or any receiver, or any other fiduciary, or any officer or
9 agent of a corporation, or any agent, consignee, clerk, bailee or servant, except persons
10 under the age of 16 years, of any person, shall embezzle or fraudulently or knowingly
11 and willfully misapply or convert to his own use, or shall take, make away with or
12 secrete, with intent to embezzle or fraudulently or knowingly and willfully misapply or
13 convert to his own use any money, goods or other chattels, bank note, check or order for
14 the payment of money issued by or drawn on any bank or other corporation, or any
15 treasury warrant, treasury note, bond or obligation for the payment of money issued by
16 the United States or by any state, or any other valuable security whatsoever belonging to
17 any other person or corporation, unincorporated association or organization which shall
18 have come into his possession or under his care, he shall be guilty of a felony. If the
19 value of the property is one hundred thousand dollars (\$100,000) or more, the person is
20 guilty of a Class C felony. If the value of the property is fifty thousand dollars (\$50,000)
21 or more, but less than one hundred thousand dollars (\$100,000), the person is guilty of a
22 Class E felony. If the value of the property is less than ~~one hundred thousand dollars~~
23 ~~(\$100,000),~~fifty thousand dollars (\$50,000), the person is guilty of a Class H felony."

24 **SECTION 4.** G.S. 14-100(a) reads as rewritten:

25 "(a) If any person shall knowingly and designedly by means of any kind of false
26 pretense whatsoever, whether the false pretense is of a past or subsisting fact or of a
27 future fulfillment or event, obtain or attempt to obtain from any person within this State
28 any money, goods, property, services, chose in action, or other thing of value with intent
29 to cheat or defraud any person of such money, goods, property, services, chose in action
30 or other thing of value, such person shall be guilty of a felony: Provided, that if, on the
31 trial of anyone indicted for such crime, it shall be proved that he obtained the property
32 in such manner as to amount to larceny or embezzlement, the jury shall have submitted
33 to them such other felony proved; and no person tried for such felony shall be liable to
34 be afterwards prosecuted for larceny or embezzlement upon the same facts: Provided,
35 further, that it shall be sufficient in any indictment for obtaining or attempting to obtain
36 any such money, goods, property, services, chose in action, or other thing of value by
37 false pretenses to allege that the party accused did the act with intent to defraud, without
38 alleging an intent to defraud any particular person, and without alleging any ownership
39 of the money, goods, property, services, chose in action or other thing of value; and
40 upon the trial of any such indictment, it shall not be necessary to prove either an intent
41 to defraud any particular person or that the person to whom the false pretense was made
42 was the person defrauded, but it shall be sufficient to allege and prove that the party
43 accused made the false pretense charged with an intent to defraud. If the value of the
44 money, goods, property, services, chose in action, or other thing of value is one hundred

1 thousand dollars (\$100,000) or more, a violation of this section is a Class C felony. If
2 the value of the property is fifty thousand dollars (\$50,000) or more, but less than one
3 hundred thousand dollars (\$100,000), the person is guilty of a Class E felony. If the
4 value of the money, goods, property, services, chose in action, or other thing of value is
5 less than ~~one hundred thousand dollars (\$100,000)~~, fifty thousand dollars (\$50,000), a
6 violation of this section is a Class H felony."

7 **SECTION 5.** This act becomes effective December 1, 2005, and applies to
8 offenses committed on or after that date.