

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS15059-LH-175* (3/8)

Short Title: Adjust Penalty/Arson & Larceny.

(Public)

Sponsors: Senator Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE CRIMINAL PENALTY FOR SECOND DEGREE ARSON AND TO AMEND THE PENALTY FOR CERTAIN OFFENSES OF LARCENY, EMBEZZLEMENT, AND OBTAINING PROPERTY BY FALSE PRETENSES BY AMENDING THE VALUE RANGES TO WHICH THE CRIMINAL PENALTIES APPLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-58 reads as rewritten:

"§ 14-58. **Punishment for arson.**

There shall be two degrees of arson as defined at the common law. If the dwelling burned was occupied at the time of the burning, the offense is arson in the first degree and is punishable as a Class D felony. If the dwelling burned was unoccupied at the time of the burning, the offense is arson in the second degree and is punishable as a ~~Class G felony~~. Class F felony."

SECTION 2. G.S. 14-72(a) reads as rewritten:

"(a) ~~Larceny of goods of the value of more than one thousand dollars (\$1,000) is a Class H felony. The receiving or possessing of stolen goods of the value of more than one thousand dollars (\$1,000) while knowing or having reasonable grounds to believe that the goods are stolen is a Class H felony. Larceny as provided in subsection (b) of this section is a Class H felony. Receiving or possession of stolen goods as provided in subsection (c) of this section is a Class H felony. Except as provided in subsections (b) and (c) of this section, larceny of property, or the receiving or possession of stolen goods knowing or having reasonable grounds to believe them to be stolen, where the value of the property or goods is not more than one thousand dollars (\$1,000), is a Class 1 misdemeanor. In all cases of doubt, the jury shall, in the verdict, fix the value of the property stolen.~~

1 Larceny of goods or property and the receipt or possession of stolen goods are
2 criminal offenses punishable as provided by this section. In all cases of doubt, the jury
3 shall, in the verdict, fix the value of the property stolen. Except as provided by
4 subsections (b) and (c) of this section, a violation of this subsection is punishable as
5 follows:

- 6 (1) The offense is a Class 1 misdemeanor if the value of the goods or
7 property is one thousand dollars (\$1,000) or less.
8 (2) The offense is a Class H felony if the value of the goods or property
9 exceeds one thousand dollars (\$1,000) but does not exceed ten
10 thousand dollars (\$10,000).
11 (3) The offense is a Class G felony if the value of the goods or property
12 exceeds ten thousand dollars (\$10,000) but does not exceed fifty
13 thousand dollars (\$50,000).
14 (4) The offense is a Class F felony if the value of the goods or property
15 exceeds fifty thousand dollars (\$50,000) but does not exceed one
16 hundred thousand dollars (\$100,000).
17 (5) The offense is a Class E felony if the value of the goods or property
18 exceeds one hundred thousand dollars (\$100,000)."

19 **SECTION 3.** G.S. 14-74 reads as rewritten:

20 "**§ 14-74. Larceny by servants and other employees.**

21 If any servant or other employee, to whom any money, goods or other chattels, or
22 any of the articles, securities or choses in action mentioned in G.S. 14-75, by his master
23 shall be delivered safely to be kept to the use of his master, shall withdraw himself from
24 his master and go away with such money, goods or other chattels, or any of the articles,
25 securities or choses in action mentioned as aforesaid, or any part thereof, with intent to
26 steal the same and defraud his master thereof, contrary to the trust and confidence in
27 him reposed by his said master; or if any servant, being in the service of his master,
28 without the assent of his master, shall embezzle such money, goods or other chattels, or
29 any of the articles, securities or choses in action mentioned as aforesaid, or any part
30 thereof, or otherwise convert the same to his own use, with like purpose to steal them,
31 or to defraud his master thereof, the servant so offending shall be guilty of a felony:
32 Provided, that nothing contained in this section shall extend to apprentices or servants
33 within the age of 16 years. ~~If the value of the money, goods, or other chattels, or any of~~
34 ~~the articles, securities, or choses in action mentioned in G.S. 14-75, is one hundred~~
35 ~~thousand dollars (\$100,000) or more, the person is guilty of a Class C felony. If the~~
36 ~~value of the money, goods, or other chattels, or any of the articles, securities, or choses~~
37 ~~in action mentioned in G.S. 14-75, is less than one hundred thousand dollars (\$100,000),~~
38 ~~the person is guilty of a Class H felony.~~ A violation of this section shall be punishable as
39 follows:

- 40 (1) If the value of the money, goods, or other chattels, or any of the
41 articles, securities, or choses in action mentioned in G.S. 14-75 is one
42 thousand dollars (\$1,000) or less, the person is guilty of a Class I
43 felony.

- 1 (2) If the value of the money, goods, or other chattels, or any of the
2 articles, securities, or choses in action mentioned in G.S. 14-75
3 exceeds one thousand dollars (\$1,000) but does not exceed ten
4 thousand dollars (\$10,000), the person is guilty of a Class H felony.
- 5 (3) If the value of the money, goods, or other chattels, or any of the
6 articles, securities, or choses in action mentioned in G.S. 14-75
7 exceeds ten thousand dollars (\$10,000) but does not exceed fifty
8 thousand dollars (\$50,000), the person is guilty of a Class G felony.
- 9 (4) If the value of the money, goods, or other chattels, or any of the
10 articles, securities, or choses in action mentioned in G.S. 14-75
11 exceeds fifty thousand dollars (\$50,000) but does not exceed one
12 hundred thousand dollars (\$100,000), the person is guilty of a Class F
13 felony.
- 14 (5) If the value of the money, goods, or other chattels, or any of the
15 articles, securities, or choses in action mentioned in G.S. 14-75
16 exceeds one hundred thousand dollars (\$100,000), the person is guilty
17 of a Class C felony."

18 **SECTION 4.** G.S. 14-90 reads as rewritten:

19 **"§ 14-90. Embezzlement of property received by virtue of office or employment.**

20 If any person exercising a public trust or holding a public office, or any guardian,
21 administrator, executor, trustee, or any receiver, or any other fiduciary, or any officer or
22 agent of a corporation, or any agent, consignee, clerk, bailee or servant, except persons
23 under the age of 16 years, of any person, shall embezzle or fraudulently or knowingly
24 and willfully misapply or convert to his own use, or shall take, make away with or
25 secrete, with intent to embezzle or fraudulently or knowingly and willfully misapply or
26 convert to his own use any money, goods or other chattels, bank note, check or order for
27 the payment of money issued by or drawn on any bank or other corporation, or any
28 treasury warrant, treasury note, bond or obligation for the payment of money issued by
29 the United States or by any state, or any other valuable security whatsoever belonging to
30 any other person or corporation, unincorporated association or organization which shall
31 have come into his possession or under his care, he shall be guilty of a ~~felony. If the~~
32 ~~value of the property is one hundred thousand dollars (\$100,000) or more, the person is~~
33 ~~guilty of a Class C felony. If the value of the property is less than one hundred thousand~~
34 ~~dollars (\$100,000), the person is guilty of a Class H felony.~~felony punishable as
35 follows:

- 36 (1) If the value of the property is one thousand dollars (\$1,000) or less, the
37 person is guilty of a Class I felony.
- 38 (2) If the value of the property exceeds one thousand dollars (\$1,000) but
39 does not exceed ten thousand dollars (\$10,000), the person is guilty of
40 a Class H felony.
- 41 (3) If the value of the property exceeds ten thousand dollars (\$10,000) but
42 does not exceed fifty thousand dollars (\$50,000), the person is guilty
43 of a Class G felony.

1 (4) If the value of the property exceeds fifty thousand dollars (\$50,000)
2 but does not exceed one hundred thousand dollars (\$100,000), the
3 person is guilty of a Class F felony.

4 (5) If the value of the property exceeds one hundred thousand dollars
5 (\$100,000), the person is guilty of a Class C felony."

6 **SECTION 5.** G.S. 14-91 reads as rewritten:

7 "**§ 14-91. Embezzlement of State property by public officers and employees.**

8 If any officer, agent, or employee of the State, or other person having or holding in
9 trust for the same any bonds issued by the State, or any security, or other property and
10 effects of the same, shall embezzle or knowingly and willfully misapply or convert the
11 same to his own use, or otherwise willfully or corruptly abuse such trust, such offender
12 and all persons knowingly and willfully aiding and abetting or otherwise assisting
13 therein shall be guilty of a felony. ~~If the value of the property is one hundred thousand~~
14 ~~dollars (\$100,000) or more, a violation of this section is a Class C felony. If the value of~~
15 ~~the property is less than one hundred thousand dollars (\$100,000), a violation of this~~
16 ~~section is a Class F felony. felony punishable as follows:~~

17 (1) If the value of the property is one thousand dollars (\$1,000) or less, the
18 person is guilty of a Class I felony.

19 (2) If the value of the property exceeds one thousand dollars (\$1,000) but
20 does not exceed ten thousand dollars (\$10,000), the person is guilty of
21 a Class H felony.

22 (3) If the value of the property exceeds ten thousand dollars (\$10,000) but
23 does not exceed fifty thousand dollars (\$50,000), the person is guilty
24 of a Class G felony.

25 (4) If the value of the property exceeds fifty thousand dollars (\$50,000)
26 but does not exceed one hundred thousand dollars (\$100,000), the
27 person is guilty of a Class F felony.

28 (5) If the value of the property exceeds one hundred thousand dollars
29 (\$100,000), the person is guilty of a Class C felony."

30 **SECTION 6.** G.S. 14-92 reads as rewritten:

31 "**§ 14-92. Embezzlement of funds by public officers and trustees.**

32 (a) ~~If an officer, agent, or employee of an entity listed below, in subsection (c) of~~
33 ~~this section or a person having or holding money or property in trust for one of the listed~~
34 ~~entities, entities listed in subsection (c) of this section, shall embezzle or otherwise~~
35 willfully and corruptly use or misapply the same for any purpose other than that for
36 which such moneys or property is held, such person shall be guilty of a felony. ~~If the~~
37 ~~value of the money or property is one hundred thousand dollars (\$100,000) or more, the~~
38 ~~person is guilty of a Class C felony. If the value of the money or property is less than~~
39 ~~one hundred thousand dollars (\$100,000), the person is guilty of a Class F felony.~~
40 ~~felony punishable as follows:~~

41 (1) If the value of the money or property is one thousand dollars (\$1,000)
42 or less, the person is guilty of a Class I felony.

1 (2) If the value of the money or property exceeds one thousand dollars
2 (\$1,000) but does not exceed ten thousand dollars (\$10,000), the
3 person is guilty of a Class H felony.

4 (3) If the value of the money or property exceeds ten thousand dollars
5 (\$10,000) but does not exceed fifty thousand dollars (\$50,000), the
6 person is guilty of a Class G felony.

7 (4) If the value of the money or property exceeds fifty thousand dollars
8 (\$50,000) but does not exceed one hundred thousand dollars
9 (\$100,000), the person is guilty of a Class F felony.

10 (5) If the value of the money or property exceeds one hundred thousand
11 dollars (\$100,000), the person is guilty of a Class C felony."

12 (b) If any clerk of the superior court or any sheriff, treasurer, register of deeds or
13 other public officer of any county, unit or agency of local government, or local board of
14 education shall embezzle or wrongfully convert to his own use, or corruptly use, or shall
15 misapply for any purpose other than that for which the same are held, or shall fail to pay
16 over and deliver to the proper persons entitled to receive the same when lawfully
17 required so to do, any moneys, funds, securities or other property which such officer
18 shall have received by virtue or color of his office in trust for any person or corporation,
19 such officer shall be guilty of a felony. ~~If the value of the money, funds, securities, or~~
20 ~~other property is one hundred thousand dollars (\$100,000) or more, the person is guilty~~
21 ~~of a Class C felony. If the value of the money, funds, securities, or other property is less~~
22 ~~than one hundred thousand dollars (\$100,000), the person is guilty of a Class F felony.~~
23 felony punishable as follows:

24 (1) If the value of the money, funds, securities, or other property is one
25 thousand dollars (\$1,000) or less, the person is guilty of a Class I
26 felony.

27 (2) If the value of the money, funds, securities, or other property exceeds
28 one thousand dollars (\$1,000) but does not exceed ten thousand
29 dollars (\$10,000), the person is guilty of a Class H felony.

30 (3) If the value of the money, funds, securities, or other property exceeds
31 ten thousand dollars (\$10,000) but does not exceed fifty thousand
32 dollars (\$50,000), the person is guilty of a Class G felony.

33 (4) If the value of the money, funds, securities, or other property exceeds
34 fifty thousand dollars (\$50,000) but does not exceed one hundred
35 thousand dollars (\$100,000), the person is guilty of a Class F felony.

36 (5) If the value of the money, funds, securities, or other property exceeds
37 one hundred thousand dollars (\$100,000), the person is guilty of a
38 Class C felony."

39 (c) The provisions of this section shall apply to all persons who shall go out of
40 office and fail or neglect to account to or deliver over to their successors in office or
41 other persons lawfully entitled to receive the same all such moneys, funds and securities
42 or property aforesaid. The following entities are protected by this section: a county, a
43 city or other unit or agency of local government, a local board of education, and a penal,
44 charitable, religious, or educational institution."

1 **SECTION 7.** G.S. 14-93 reads as rewritten:

2 "**§ 14-93. Embezzlement by treasurers of charitable and religious organizations.**

3 If any treasurer or other financial officer of any benevolent or religious institution,
4 society or congregation shall lend any of the moneys coming into his hands to any other
5 person or association without the consent of the institution, association or congregation
6 to whom such moneys belong; or, if he shall fail to account for such moneys when
7 called on, he shall be guilty of a felony. ~~If the violation of this section involves money~~
8 ~~with a value of one hundred thousand dollars (\$100,000) or more, the person is guilty of~~
9 ~~a Class C felony. If the violation of this section involves money with a value of less than~~
10 ~~one hundred thousand dollars (\$100,000) or less, a violation of this section is a Class H~~
11 ~~felony. felony punishable as follows:~~

12 (1) If the violation of this section involves money with a value of one
13 thousand dollars (\$1,000) or less, the person is guilty of a Class I
14 felony.

15 (2) If the violation of this section involves money with a value that
16 exceeds one thousand dollars (\$1,000) but does not exceed ten
17 thousand dollars (\$10,000), the person is guilty of a Class H felony.

18 (3) If the violation of this section involves money with a value that
19 exceeds ten thousand dollars (\$10,000) but does not exceed fifty
20 thousand dollars (\$50,000), the person is guilty of a Class G felony.

21 (4) If the violation of this section involves money with a value that
22 exceeds fifty thousand dollars (\$50,000) but does not exceed one
23 hundred thousand dollars (\$100,000), the person is guilty of a Class F
24 felony.

25 (5) If the violation of this section involves money with a value that
26 exceeds one hundred thousand dollars (\$100,000), the person is guilty
27 of a Class C felony."

28 **SECTION 8.** G.S. 14-97 reads as rewritten:

29 "**§ 14-97. Appropriation of partnership funds by partner to personal use.**

30 Any person engaged in a partnership business in the State of North Carolina who
31 shall, without the knowledge and consent of his copartner or copartners, take funds
32 belonging to the partnership business and appropriate the same to his own personal use
33 with the fraudulent intent of depriving his copartners of the use thereof, shall be guilty
34 of a felony. ~~Appropriation of partnership funds with a value of one hundred thousand~~
35 ~~dollars (\$100,000) or more by a partner is a Class C felony. Appropriation of~~
36 ~~partnership funds with the value of less than one hundred thousand dollars (\$100,000)~~
37 ~~by a partner is a Class H felony. felony punishable as follows:~~

38 (1) Appropriation of partnership funds with a value of one thousand
39 dollars (\$1,000) or less is a Class I felony.

40 (2) Appropriation of partnership funds with a value that exceeds one
41 thousand dollars (\$1,000) but does not exceed ten thousand dollars
42 (\$10,000) is a Class H felony.

1 (3) Appropriation of partnership funds with a value that exceeds ten
2 thousand dollars (\$10,000) but does not exceed fifty thousand dollars
3 (\$50,000) is a Class G felony.

4 (4) Appropriation of partnership funds with a value that exceeds fifty
5 thousand dollars (\$50,000) but does not exceed one hundred thousand
6 dollars (\$100,000) is a Class F felony.

7 (5) Appropriation of partnership funds with a value that exceeds one
8 hundred thousand dollars (\$100,000) is a Class C felony."

9 **SECTION 9.** G.S. 14-98 reads as rewritten:

10 **"§ 14-98. Embezzlement by surviving partner.**

11 If any surviving partner shall willfully and intentionally convert any of the property,
12 money or effects belonging to the partnership to his own use, and refuse to account for
13 the same on settlement, he shall be guilty of a felony. ~~If the property, money, or effects~~
14 ~~has a value of one hundred thousand dollars (\$100,000) or more, a violation of this~~
15 ~~section is a Class C felony. If the property, money, or effects has a value of less than~~
16 ~~one hundred thousand dollars (\$100,000), a violation of this section is a Class H felony.~~
17 felony punishable as follows:

18 (1) If the property, money, or effects has a value of one thousand dollars
19 (\$1,000) or less, the person is guilty of a Class I felony.

20 (2) If the property, money, or effects has a value that exceeds one
21 thousand dollars (\$1,000) but does not exceed ten thousand dollars
22 (\$10,000), the person is guilty of a Class H felony.

23 (3) If the property, money, or effects has a value that exceeds ten thousand
24 dollars (\$10,000) but does not exceed fifty thousand dollars (\$50,000),
25 the person is guilty of a Class G felony.

26 (4) If the property, money, or effects has a value that exceeds fifty
27 thousand dollars (\$50,000) but does not exceed one hundred thousand
28 dollars (\$100,000), the person is guilty of a Class F felony.

29 (5) If the property, money, or effects has a value that exceeds one hundred
30 thousand dollars (\$100,000), the person is guilty of a Class C felony."

31 **SECTION 10.** G.S. 14-99 reads as rewritten:

32 **"§ 14-99. Embezzlement of taxes by officers.**

33 If any officer appropriates to his own use the State, county, school, city or town
34 taxes, he shall be guilty of ~~embezzlement, and shall be punished as a felon. If the value~~
35 ~~of the taxes is one hundred thousand dollars (\$100,000) or more, a violation of this~~
36 ~~section is a Class C felony. If the value of the taxes is less than one hundred thousand~~
37 ~~dollars (\$100,000), a violation of this section is a Class F felony.~~embezzlement. A
38 violation of this section shall be punishable as follows:

39 (1) If the value of the taxes is one thousand dollars (\$1,000) or less, the
40 person is guilty of a Class I felony.

41 (2) If the value of the taxes exceeds one thousand dollars (\$1,000) but
42 does not exceed ten thousand dollars (\$10,000), the person is guilty of
43 a Class H felony.

1 (3) If the value of the taxes exceeds ten thousand dollars (\$10,000) but
2 does not exceed fifty thousand dollars (\$50,000), the person is guilty
3 of a Class G felony.

4 (4) If the value of the taxes exceeds fifty thousand dollars (\$50,000) but
5 does not exceed one hundred thousand dollars (\$100,000), the person
6 is guilty of a Class F felony.

7 (5) If the value of the taxes exceeds one hundred thousand dollars
8 (\$100,000), the person is guilty of a Class C felony."

9 **SECTION 11.** G.S. 14-100(a) reads as rewritten:

10 "(a) If any person shall knowingly and designedly by means of any kind of false
11 pretense whatsoever, whether the false pretense is of a past or subsisting fact or of a
12 future fulfillment or event, obtain or attempt to obtain from any person within this State
13 any money, goods, property, services, chose in action, or other thing of value with intent
14 to cheat or defraud any person of such money, goods, property, services, chose in action
15 or other thing of value, such person shall be guilty of a felony: Provided, that if, on the
16 trial of anyone indicted for such crime, it shall be proved that he obtained the property
17 in such manner as to amount to larceny or embezzlement, the jury shall have submitted
18 to them such other felony proved; and no person tried for such felony shall be liable to
19 be afterwards prosecuted for larceny or embezzlement upon the same facts: Provided,
20 further, that it shall be sufficient in any indictment for obtaining or attempting to obtain
21 any such money, goods, property, services, chose in action, or other thing of value by
22 false pretenses to allege that the party accused did the act with intent to defraud, without
23 alleging an intent to defraud any particular person, and without alleging any ownership
24 of the money, goods, property, services, chose in action or other thing of value; and
25 upon the trial of any such indictment, it shall not be necessary to prove either an intent
26 to defraud any particular person or that the person to whom the false pretense was made
27 was the person defrauded, but it shall be sufficient to allege and prove that the party
28 accused made the false pretense charged with an intent to defraud. ~~If the value of the~~
29 ~~money, goods, property, services, chose in action, or other thing of value is one hundred~~
30 ~~thousand dollars (\$100,000) or more, a violation of this section is a Class C felony. If~~
31 ~~the value of the money, goods, property, services, chose in action, or other thing of~~
32 ~~value is less than one hundred thousand dollars (\$100,000), a violation of this section is~~
33 ~~a Class H felony.~~ A violation of this section is a felony punishable as follows:

34 (1) If the value of the money, goods, property, services, chose in action, or
35 other thing of value is one thousand dollars (\$1,000) or less, the person
36 is guilty of a Class I felony.

37 (2) If the value of the money, goods, property, services, chose in action, or
38 other thing of value exceeds one thousand dollars (\$1,000) but does
39 not exceed ten thousand dollars (\$10,000), the person is guilty of a
40 Class H felony.

41 (3) If the value of the money, goods, property, services, chose in action, or
42 other thing of value exceeds ten thousand dollars (\$10,000) but does
43 not exceed fifty thousand dollars (\$50,000), the person is guilty of a
44 Class G felony.

1 (4) If the value of the money, goods, property, services, chose in action, or
2 other thing of value exceeds fifty thousand dollars (\$50,000) but does
3 not exceed one hundred thousand dollars (\$100,000), the person is
4 guilty of a Class F felony.

5 (5) If the value of the money, goods, property, services, chose in action, or
6 other thing of value exceeds one hundred thousand dollars (\$100,000),
7 the person is guilty of a Class C felony."

8 **SECTION 12.** This act becomes effective December 1, 2007, and applies to
9 offenses committed on or after that date. Prosecutions for offenses committed before
10 the effective date of this act are not abated or affected by this act, and the statutes that
11 would be applicable but for this act remain applicable to those prosecutions.