

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1491*

Short Title: Adjust Penalty/Arson & Larceny.

(Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary II (Criminal).

March 27, 2007

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.~~

Larceny of goods or property and the receipt or possession of stolen goods are criminal offenses punishable as provided by this section. In all cases of doubt, the jury shall, in the verdict, fix the value of the property stolen. Except as provided by

1 subsections (b) and (c) of this section, a violation of this subsection is punishable as
2 follows:

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

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

17 **"§ 14-74. Larceny by servants and other employees.**

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

- 37 (1) If the value of the money, goods, or other chattels, or any of the
38 articles, securities, or choses in action mentioned in G.S. 14-75 is one
39 thousand dollars (\$1,000) or less, the person is guilty of a Class I
40 felony.
- 41 (2) If the value of the money, goods, or other chattels, or any of the
42 articles, securities, or choses in action mentioned in G.S. 14-75
43 exceeds one thousand dollars (\$1,000) but does not exceed ten
44 thousand dollars (\$10,000), the person is guilty of a Class H felony.

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

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

10 (5) If the value of the money, goods, or other chattels, or any of the
11 articles, securities, or choses in action mentioned in G.S. 14-75
12 exceeds one hundred thousand dollars (\$100,000), the person is guilty
13 of a Class C felony."

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

15 "**§ 14-90. Embezzlement of property received by virtue of office or employment.**

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

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

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

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

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

43 (5) If the value of the property exceeds one hundred thousand dollars
44 (\$100,000), the person is guilty of a Class C felony."

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

2 "**§ 14-91. Embezzlement of State property by public officers and employees.**

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

- 12 (1) If the value of the property is one thousand dollars (\$1,000) or less, the
13 person is guilty of a Class I felony.
14 (2) If the value of the property exceeds one thousand dollars (\$1,000) but
15 does not exceed ten thousand dollars (\$10,000), the person is guilty of
16 a Class H felony.
17 (3) If the value of the property exceeds ten thousand dollars (\$10,000) but
18 does not exceed fifty thousand dollars (\$50,000), the person is guilty
19 of a Class G felony.
20 (4) If the value of the property exceeds fifty thousand dollars (\$50,000)
21 but does not exceed one hundred thousand dollars (\$100,000), the
22 person is guilty of a Class F felony.
23 (5) If the value of the property exceeds one hundred thousand dollars
24 (\$100,000), the person is guilty of a Class C felony."

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

26 "**§ 14-92. Embezzlement of funds by public officers and trustees.**

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

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

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

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

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

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

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

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

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

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

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

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

40 "**§ 14-93. Embezzlement by treasurers of charitable and religious organizations.**

41 If any treasurer or other financial officer of any benevolent or religious institution,
42 society or congregation shall lend any of the moneys coming into his hands to any other
43 person or association without the consent of the institution, association or congregation
44 to whom such moneys belong; or, if he shall fail to account for such moneys when

1 called on, he shall be guilty of a felony. ~~If the violation of this section involves money~~
2 ~~with a value of one hundred thousand dollars (\$100,000) or more, the person is guilty of~~
3 ~~a Class C felony. If the violation of this section involves money with a value of less than~~
4 ~~one hundred thousand dollars (\$100,000) or less, a violation of this section is a Class H~~
5 ~~felony. felony punishable as follows:~~

- 6 (1) If the violation of this section involves money with a value of one
7 thousand dollars (\$1,000) or less, the person is guilty of a Class I
8 felony.
- 9 (2) If the violation of this section involves money with a value that
10 exceeds one thousand dollars (\$1,000) but does not exceed ten
11 thousand dollars (\$10,000), the person is guilty of a Class H felony.
- 12 (3) If the violation of this section involves money with a value that
13 exceeds ten thousand dollars (\$10,000) but does not exceed fifty
14 thousand dollars (\$50,000), the person is guilty of a Class G felony.
- 15 (4) If the violation of this section involves money with a value that
16 exceeds fifty thousand dollars (\$50,000) but does not exceed one
17 hundred thousand dollars (\$100,000), the person is guilty of a Class F
18 felony.
- 19 (5) If the violation of this section involves money with a value that
20 exceeds one hundred thousand dollars (\$100,000), the person is guilty
21 of a Class C felony."

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

23 **"§ 14-97. Appropriation of partnership funds by partner to personal use.**

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

- 32 (1) Appropriation of partnership funds with a value of one thousand
33 dollars (\$1,000) or less is a Class I felony.
- 34 (2) Appropriation of partnership funds with a value that exceeds one
35 thousand dollars (\$1,000) but does not exceed ten thousand dollars
36 (\$10,000) is a Class H felony.
- 37 (3) Appropriation of partnership funds with a value that exceeds ten
38 thousand dollars (\$10,000) but does not exceed fifty thousand dollars
39 (\$50,000) is a Class G felony.
- 40 (4) Appropriation of partnership funds with a value that exceeds fifty
41 thousand dollars (\$50,000) but does not exceed one hundred thousand
42 dollars (\$100,000) is a Class F felony.
- 43 (5) Appropriation of partnership funds with a value that exceeds one
44 hundred thousand dollars (\$100,000) is a Class C felony."

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

2 "**§ 14-98. Embezzlement by surviving partner.**

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

- 10 (1) If the property, money, or effects has a value of one thousand dollars
11 (\$1,000) or less, the person is guilty of a Class I felony.
12 (2) If the property, money, or effects has a value that exceeds one
13 thousand dollars (\$1,000) but does not exceed ten thousand dollars
14 (\$10,000), the person is guilty of a Class H felony.
15 (3) If the property, money, or effects has a value that exceeds ten thousand
16 dollars (\$10,000) but does not exceed fifty thousand dollars (\$50,000),
17 the person is guilty of a Class G felony.
18 (4) If the property, money, or effects has a value that exceeds fifty
19 thousand dollars (\$50,000) but does not exceed one hundred thousand
20 dollars (\$100,000), the person is guilty of a Class F felony.
21 (5) If the property, money, or effects has a value that exceeds one hundred
22 thousand dollars (\$100,000), the person is guilty of a Class C felony."

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

24 "**§ 14-99. Embezzlement of taxes by officers.**

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

- 31 (1) If the value of the taxes is one thousand dollars (\$1,000) or less, the
32 person is guilty of a Class I felony.
33 (2) If the value of the taxes exceeds one thousand dollars (\$1,000) but
34 does not exceed ten thousand dollars (\$10,000), the person is guilty of
35 a Class H felony.
36 (3) If the value of the taxes exceeds ten thousand dollars (\$10,000) but
37 does not exceed fifty thousand dollars (\$50,000), the person is guilty
38 of a Class G felony.
39 (4) If the value of the taxes exceeds fifty thousand dollars (\$50,000) but
40 does not exceed one hundred thousand dollars (\$100,000), the person
41 is guilty of a Class F felony.
42 (5) If the value of the taxes exceeds one hundred thousand dollars
43 (\$100,000), the person is guilty of a Class C felony."

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

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

- 25 (1) If the value of the money, goods, property, services, chose in action, or
26 other thing of value is one thousand dollars (\$1,000) or less, the person
27 is guilty of a Class I felony.
- 28 (2) If the value of the money, goods, property, services, chose in action, or
29 other thing of value exceeds one thousand dollars (\$1,000) but does
30 not exceed ten thousand dollars (\$10,000), the person is guilty of a
31 Class H felony.
- 32 (3) If the value of the money, goods, property, services, chose in action, or
33 other thing of value exceeds ten thousand dollars (\$10,000) but does
34 not exceed fifty thousand dollars (\$50,000), the person is guilty of a
35 Class G felony.
- 36 (4) If the value of the money, goods, property, services, chose in action, or
37 other thing of value exceeds fifty thousand dollars (\$50,000) but does
38 not exceed one hundred thousand dollars (\$100,000), the person is
39 guilty of a Class F felony.
- 40 (5) If the value of the money, goods, property, services, chose in action, or
41 other thing of value exceeds one hundred thousand dollars (\$100,000),
42 the person is guilty of a Class C felony."

43 **SECTION 12.** This act becomes effective December 1, 2007, and applies to
44 offenses committed on or after that date. Prosecutions for offenses committed before

- 1 the effective date of this act are not abated or affected by this act, and the statutes that
- 2 would be applicable but for this act remain applicable to those prosecutions.