

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1274
Judiciary II Senate Committee Substitute Adopted 6/6/89

Short Title: Sheriffs' Penalties Changes.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE CRIMINAL PENALTIES FOR FAILURE TO RETURN PROCESS OR MAKING A FALSE RETURN APPLY ONLY TO INDIVIDUALS WHO PERSONALLY COMMIT INTENTIONAL VIOLATIONS AND TO REPEAL A CIVIL PENALTY FOR OFFICERS WHO FAIL OR NEGLECT TO PERFORM THEIR DUTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-242 reads as rewritten:

"§ 14-242. Failing to return process or making false return.

If any sheriff, ~~constable~~ deputy, or other officer, whether State or municipal, or any person who ~~shall presume~~ presumes to act as any such officer, not being by law authorized so to do, ~~refuse or neglect~~ willfully refuses to return any precept, notice or process, to him tendered or delivered, which it is his duty to execute, or ~~make~~ willfully makes a false return thereon, ~~he~~ the person who willfully refused to make the return or willfully made the false return shall ~~forfeit and pay to anyone who will sue for the same one hundred dollars (\$100.00), and shall moreover~~ be guilty of a misdemeanor."

Sec. 2. This act shall become effective October 1, 1989, and shall apply to offenses committed on or after that date.