

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 462
HOUSE BILL 1274

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.

In the General Assembly read three times and ratified this the 26th day of June, 1989.