



CHAPTER 5A

ARTICLE 1 - CRIMINAL CONTEMPT

N.C.G.S. § 5A-12.

Punishment; circumstances for fine or imprisonment; reduction of punishment; other measures.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2009-335, s. 1 — seventh act in the lineage	21 September 2026, 05:36 UTC	3497f6faedc55cd6c148ca14 - 116ff5c8e59760d5b9fee9f3 - 46686faed730d83a

§ 5A-12(a)

A person who commits criminal contempt, whether direct or indirect, is subject to censure, imprisonment up to 30 days, fine not to exceed five hundred dollars (\$500.00), or any combination of the three, except that:

- (1) A person who commits a contempt described in G.S. 5A-11(8) is subject to censure, imprisonment not to exceed 6 months, fine not to exceed five hundred dollars (\$500.00), or any combination of the three;
- (2) A person who has not been arrested who fails to comply with a nontestimonial identification order, issued pursuant to Article 14 of Chapter 15A of the General Statutes is subject to censure, imprisonment not to exceed 90 days, fine not to exceed five hundred dollars (\$500.00), or any combination of the three; and
- (3) A person who commits criminal contempt by failing to comply with an order to pay child support is subject to censure, imprisonment up to 30 days, fine not to exceed five hundred dollars (\$500.00), or any combination of the three. However, a sentence of imprisonment up to 120 days may be imposed for a single act of criminal contempt resulting from the failure to pay child support, provided the sentence is suspended upon conditions reasonably related to the contemnor's payment of child support.

§ 5A-12(b)

Except for contempt under G.S. 5A-11(5) or 5A-11(9), fine or imprisonment may not be imposed for criminal contempt, whether direct or indirect, unless:

- (1) The act or omission was willfully contemptuous; or
- (2) The act or omission was preceded by a clear warning by the court that the conduct is improper.

§ 5A-12(c)

The judicial official who finds a person in contempt may at any time withdraw a censure, terminate or reduce a sentence of imprisonment, or remit or reduce a fine imposed as punishment for contempt if warranted by the conduct of the contemnor and the ends of justice.

§ 5A-12(d)

A person held in criminal contempt under this Article shall not, for the same conduct, be found in civil contempt under Article 2 of this Chapter, Civil Contempt.

§ 5A-12(e)

A person held in criminal contempt under G.S. 5A-11(9) may nevertheless, for the same conduct, be found guilty of a violation of G.S. 14-225.1, but he must be given credit for any imprisonment resulting from the contempt.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1977

1993

2009

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1977	c. 711, s. 3	ENACTED
02	1977	1985 (Reg. Sess., 1986), c. 843, s. 1	AMENDED
03	1977	1987 (Reg. Sess., 1988), c. 1040, ss. 2, 4	AMENDED
04	1977	1989 (Reg. Sess., 1990), c. 1039, s. 4	AMENDED
05	1991	c. 686, s. 3	AMENDED
06	1999	S.L. 1999-361, s. 3	AMENDED
07	2009	S.L. 2009-335, s. 1	AMENDED

APPARATUS II

4 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 5A-11(8)	(a)(1)	"who commits a contempt described in"
G.S. 5A-11(5)	(b)	"Except for contempt under"
G.S. 5A-11(9)	(e)	"person held in criminal contempt under"
G.S. 14-225.1	(e)	"found guilty of a violation of"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 5A-12 (2009).

PINPOINT

N.C. Gen. Stat. § 5A-12(a) (2009).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1977, c. 711, s. 3; 1985 (Reg. Sess., 1986), c. 843, s. 1; 1987 (Reg. Sess., 1988), c. 1040, ss. 2, 4; 1989 (Reg. Sess., 1990), c. 1039, s. 4; 1991, c. 686, s. 3; 1999-361, s. 3; 2009-335, s. 1.)

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