



CHAPTER 75D

N.C.G.S. § 75D-8.

Available RICO civil remedies.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 01:21 UTC	2daab3df1a58c9ee6ab3fe1e - 99537fed6567a93b3ed59855 - a2eb7c7819c13a04

§ 75D-8(a)

As part of a final judgment of forfeiture, any judge of the superior court may, after giving reasonable notice to potential innocent claimants, enjoin violations of G.S. 75D-4, by issuing one or more of the following orders and judgments:

- (1) Ordering a defendant to divest oneself of an interest in any enterprise, real property, or personal property including property held by a tenancy by the entirety. If property is held by a tenancy by the entirety and one of the spouses is an innocent person as defined in G.S. 75D-5(i), upon entry of a final judgment of forfeiture of entirety property, the judgment operates to convert the tenancy by the entirety to a tenancy in common, and only the one-half undivided interest of the offending spouse shall be forfeited according to this Chapter.
- (2) Imposing reasonable restrictions upon the future activities or investments of a defendant in the same or similar type of endeavor as the enterprise in which the defendant was engaged in violation of G.S. 75D-4.
- (3) Ordering the dissolution or reorganization of an enterprise.
- (4) Ordering the suspension or revocation of a license, permit, or prior approval granted to an enterprise by a State agency.

- (5) Ordering the forfeiture of the charter of a corporation organized under the laws of this State or the revocation of a certificate authorizing a foreign corporation to conduct business in this State upon a finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting affairs of the corporation, has authorized or engaged in conduct in violation of G.S. 75D-4 and that, for the prevention of future unlawful activity, the public interest requires that the charter of the corporation be dissolved or the certificate be revoked.
- (6) Appointment of a receiver pursuant to Article 38 of Chapter 1 of the General Statutes to collect, conserve, and dispose of all the proceeds, money, profits, and property, both real and personal, in accordance with this Chapter, as directed by the final judgment of the superior court having jurisdiction over the parties or subject matter of the action.
- (7) Any other equitable remedy appropriate to effect complete forfeiture of property subject to forfeiture, or to prevent future violations of this Chapter.

§ 75D-8(b)

The State through the Attorney General may institute a proceeding under G.S. 75D-5. In the proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases. However, the State is not required to show special or irreparable damage, nor is the State required to execute any bond before or after obtaining temporary restraining orders or preliminary injunctions.

§ 75D-8(c)

An innocent person that is injured or damaged in business or property by reason of any violation of G.S. 75D-4 involving a pattern of racketeering activity has a cause of action for three times the actual damages sustained and reasonable attorneys' fees. For purposes of this subsection, "pattern of racketeering activity" requires that at least one act of racketeering activity be an act of racketeering activity other than (i) an act indictable under 18 U.S.C. § 1341 or 18 U.S.C. § 1343 or (ii) an act that is an offense involving fraud in the sale of securities. A person filing a private action under this subsection shall concurrently notify the Attorney General in writing of the commencement of the action. Thereafter, the Attorney General may file a motion for a protective order in the court where the private action is pending and shall be granted a stay of the private action for a reasonable time if the court finds either of the following:

- (1) The bringing of a private action is likely to materially interfere with or impair a public forfeiture action.

(2) The public interest is so great as to require the Attorney General to investigate and bring a forfeiture action.

§ 75D-8(d) An injured innocent person has a right or claim to forfeited property, or to the proceeds derived from it, that is superior to any right or claim the State has in the same property or proceeds. To enforce the claim, the injured innocent person shall intervene in the forfeiture proceeding prior to its final disposition.

§ 75D-8(e) A final conviction in a criminal proceeding estops the defendant in any subsequent civil action or proceeding under this Chapter as to all matters proved in the criminal proceeding.

§ 75D-8(f) A defendant in an action commenced by the State pursuant to this Chapter who has two or more final convictions for violating any law set forth in G.S. 75D-3(8) and whose violations occurred within a four-year period as set forth in G.S. 75D-3(7) is deemed to have per se violated G.S. 75D-4(a)(1) or (2) as of the date of the second conviction.

§ 75D-8(g) Any party is entitled to a jury trial in any action brought under this Chapter. (1985 (Reg. Sess., 1986), c. 999, s. 1; 1989, c. 489, s. 1; 2025-25, s. 35(d).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
6 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. 75D-4	(a)	"potential innocent claimants, enjoin violations of"
G.S. 75D-5(i)	(a)(1)	"an innocent person as defined in"
G.S. 75D-5	(b)	"General may institute a proceeding under"
G.S. 75D-3(8)	(f)	"violating any law set forth in"
G.S. 75D-3(7)	(f)	"four-year period as set forth in"
G.S. 75D-4(a)(1) or (2)	(f)	"deemed to have per se violated"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 75D-8 (2026).

PINPOINT

N.C. Gen. Stat. § 75D-8(a) (2026).

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

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

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

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

