



CHAPTER 78A

ARTICLE 7 - CIVIL LIABILITIES AND CRIMINAL PENALTIES

N.C.G.S. § 78A-57.

Criminal penalties.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2003-413, s. 11 — tenth act in the lineage	21 September 2026, 01:27 UTC	2a66750f8f2a62e72e28b121 - 74383cea701ae28b9ddb07f - f0ad3f0673611a8f

§ 78A-57(a)

CLASS I FELONY

Any person who willfully violates any provision of this Chapter except G.S. 78A-8, 78A-9, 78A-11, 78A-12, 78A-13, or 78A-14 is guilty of a Class I felony.

§ 78A-57(a1)AFFIRMATIVE
DEFENSE

Any person who willfully violates any rule or order under this Chapter is guilty of a Class I felony. No person may be imprisoned for the violation of any rule if the person proves that the person had no knowledge of the rule. It is an affirmative defense to a charge of violating an order under this Chapter that the person had no knowledge of the order.

§ 78A-57(a2)

CLASS C / H FELONY

Any person who willfully violates G.S. 78A-8, 78A-11, 78A-13, or 78A-14 is guilty of a felony. If the losses caused by a single act or a series of related acts in a common scheme or plan are one hundred thousand dollars (\$100,000) or more, the person is guilty of a Class C felony. If the losses caused by a single act or a series of related acts in a common scheme or plan are less than one hundred thousand dollars (\$100,000), the person is guilty of a Class H felony.

§ 78A-57(a3)

CLASS H FELONY

Any person who willfully violates G.S. 78A-9 knowing the statement made to be false or misleading in any material respect is guilty of a Class H felony. Any other willful violation of G.S. 78A-9 constitutes a Class 2 misdemeanor.

§ 78A-57(a4)

CLASS H FELONY

Any person who willfully violates G.S. 78A-12 is guilty of a Class H felony.

§ 78A-57(b)

The Administrator may refer such evidence as is available concerning violations of this Chapter or of any rule or order hereunder to the proper district attorney, who may,

with or without such a reference, institute the appropriate criminal proceedings under this Chapter. Upon receipt of a reference, the district attorney may request that a duly employed attorney of the Administrator prosecute or assist in the prosecution of the violation or violations on behalf of the State. Upon approval of the Administrator, the employee may be appointed a special prosecutor for the district attorney to prosecute or assist in the prosecution of the violations without receiving compensation from the district attorney. Such a special prosecutor shall have all the powers and duties prescribed by law for district attorneys and such other powers and duties as are lawfully delegated to the special prosecutor by the district attorney for violations of this Chapter.

§ 78A-57(c)

Nothing in this Chapter limits the power of the State to punish any person for any conduct which constitutes a crime by statute or at common law.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
10 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.

1925	1964		2003
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1925	c. 190, s. 23	ENACTED
02	1927	c. 149, s. 23	AMENDED
03	1955	c. 436, s. 10	AMENDED
04	1971	c. 572, s. 2	AMENDED
05	1973	c. 47, s. 2	AMENDED
06	1973	c. 1380	AMENDED
07	1987	c. 849, s. 7	AMENDED
08	1991	c. 456, s. 6	AMENDED
09	2001	S.L. 2001-436, s. 12	AMENDED
10	2003	S.L. 2003-413, s. 11	AMENDED

APPARATUS II
3 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. 78A-8	(a)	"any provision of this Chapter except"
G.S. 78A-9	(a3)	"Any person who willfully violates"
G.S. 78A-12	(a4)	"Any person who willfully violates"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 78A-57 (2003).

PINPOINT

N.C. Gen. Stat. § 78A-57(a) (2003).

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

(1925, c. 190, s. 23; 1927, c. 149, s. 23; 1955, c. 436, s. 10; 1971, c. 572, s. 2; 1973, c. 47, s. 2; c. 1380; 1987, c. 849, s. 7; 1991, c. 456, s. 6; 2001-436, s. 12; 2003-413, s. 11.)

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