

From: [Leo John](#)
To: [Rep. Jamie Boles, Jr.](#); [Sen. Shirley B. Randleman](#); [Susan L. Sitze \(Legislative Analysis\)](#); [Rep. Ted Davis](#)
Subject: list pursuant to S.L. 2018-69
Date: Thursday, November 29, 2018 03:37:29 PM

Good afternoon Representatives Boles, Davis and Randleman and Ms. Sitze,

Session Law 2018-69 directs agencies that have the power to define conduct as a crime in the Administrative Code to create a list of all crimes defined by agencies that are in effect or pending implementation and submit the list to APO and JPS oversight committees.

The Department of the Secretary of State has examined the administrative code as it pertains to statutes we administer and finds the following:

N.C.G.S. 78A-57(a1) and 78C-39(a1) state: "Any person who willfully violates any rule or order under this Chapter is guilty of a Class I felony." In addition, 78D-24(b) states: "Any person convicted of violating a rule or order under this Chapter may be fined, but may not be imprisoned, if the person proves he had no knowledge of the rule or order."

The rules adopted under these statutory provisions are located in the following sections of the Administrative Code:

18 NCAC 06A .01101 to 18 NCAC 06A. 2120

18 NCAC 06B.0101 to 18 NCAC 06B .0201

18 NCAC 06C. 0101 to 18 NCAC 06C.0108

N.C.G.S. 66-58.8 (a) states: "Any person who willfully violates any provision of this Article, or who willfully violates any rule or order under this Article, with intent to defraud, is guilty of a Class I felony."

The rules adopted under this statutory provision can be found in the following sections of the Administrative Code:

18 NCAC 10 .0101 to 18 NCAC 10 .0901

sincerely,
Leo John

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