



HOUSE BILL 237: Criminal Law Revisions.

2023-2024 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 19, 2023
Introduced by:	Reps. Torbett, Greene, Faircloth, Carson Smith	Prepared by:	Susan Sitze Staff Attorney
Analysis of:	PCS to First Edition H237-CSSA-4		

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 237 would do the following:*

- *Create a State criminal offense of "money laundering".*
- *Create a sentencing enhancement for committing a crime while wearing a mask, hood, or other device to conceal identity.*

BILL ANALYSIS:

Part I of the PCS for House Bill 237 would enact G.S. 14-118.8 to create a new offense of "money laundering."

The offense of money laundering would prohibit the use of the proceeds of criminal activity in a variety of ways that are commonly used to conceal the illegal origins of the money and make it appear to be the result of legitimate, legal enterprise.

Money laundering would be punished at one of two levels as follows:

- A Class H felony if the value of the proceeds of criminal activity is less than \$100,000. Punishment for a Class H felony ranges from unsupervised probation to 39 months active, depending on prior record level.
- A Class C felony if the value of the proceeds of criminal activity is \$100,000 or more. Punishment for a Class C felony requires an active sentence that can range from an absolute minimum of 44 months to an absolute maximum of 231 months, depending on prior record level.

This part also contains the following provisions regarding the offense of money laundering:

- **Aggregation** - Allows aggregation of proceeds of criminal activity related to one scheme or continuing course of conduct into one offense and the value of the aggregated offenses to be combined to determine offense classification.
- **Forfeiture** – Authorizes forfeiture of all property used in, derived from, maintained by, or realized through a money laundering violation. The forfeiture process may be conducted through either the criminal forfeiture process of G.S. 14-2.3, or the civil forfeiture process of Chapter 75D (Racketeer Influenced and Corrupt Organizations [RICO]).

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Part II of the PCS would enact G.S. 15A-1340.16F to provide that any person who commits a misdemeanor or felony while wearing a mask, hood, or other clothing or device that concealed or attempted to conceal the person's identity at the time of the offense, will be punished and sentenced as follows:

- The defendant would be guilty of an offense one class higher than the underlying misdemeanor or felony.
- If, after enhancement, offense level and the defendant's prior record level allow an active sentence, the court would be required to impose an active sentence.

EFFECTIVE DATE: This bill would become effective December 1, 2023, and apply to offenses committed on or after that date.