



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 698: Codify/Replace Comm. Law Obstruct. of Justice.

2023-2024 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 2, 2023
Introduced by:	Rep. Stevens	Prepared by:	Susan Sitze
Analysis of:	PCS to First Edition H698-CSSA-20		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 698 would codify the common law offense of obstruction of justice, and provide penalties for violations of that offense.*

CURRENT LAW:

"At common law, it is an offense to do any act which prevents, obstructs, impedes or hinders public or legal justice." *In re Kivett*, 309 N.C. 635 (1983).

Pursuant to G.S. 14-1 and 14-3, the common law offense of obstruction of justice is a Class 1 misdemeanor generally, and becomes a Class H felony if it is "infamous, done in secrecy and malice, or with deceit and intent to defraud."

Punishment for a Class 1 misdemeanor ranges from unsupervised probation to 120 days active, depending on prior record level. Punishment for a Class H felony ranges from unsupervised probation to 39 months active, depending on prior record level.

BILL ANALYSIS:

The PCS for House Bill 698 would codify the common law offense of obstruction of justice and provide a Class 1 misdemeanor for an offense committed in relation to a misdemeanor offense, and a Class I felony for an offense committed in relation to a felony offense.

Punishment for a Class I felony ranges from unsupervised probation to 24 months active, depending on prior record level.

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

Jeffrey Hudson
Director



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Legislative Analysis
Division
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