

§ 15A-1340.16F. Aggregation of multiple financial crime offenses.

(a) Definition. – For purposes of this section, the term "financial crime offense" means any of the following:

- (1) Acts of embezzlement punishable under Article 18 of Chapter 14 of the General Statutes.
- (2) Acts of false pretenses punishable under G.S. 14-100.
- (3) Acts of exploitation of an older adult punishable under G.S. 14-112.2.

(b) Aggregation. – If a person is convicted of two or more of the same financial crime offenses, the financial crime offenses may be aggregated for sentencing if it is found that both of the following conditions are met:

- (1) The person committed the financial crime offenses against more than one victim or in more than one county.
- (2) The financial crime offenses are based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a common scheme or plan.

(c) Venue. – Each county where a part of the violations aggregated under subsection (b) of this section occurs shall have concurrent venue as described in G.S. 15A-132.

(d) Pleading. – The pleading for financial crime offenses aggregated under this section shall allege the facts set out in subsection (b) of this section and identify the financial crime offenses to which the aggregation shall apply. The pleading is sufficient if it alleges that the defendant committed the financial crime offenses against more than one victim or in more than one county and that the financial crime offenses are based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a common scheme or plan.

(e) Procedure. – The State shall prove the issues set out in subsections (b) and (f) of this section beyond a reasonable doubt during the same trial in which the defendant is tried for the financial crime offenses unless the defendant pleads guilty or no contest to the issues. If the defendant pleads guilty or no contest to the financial crime offenses but pleads not guilty to the issues set out in subsection (b) or subsection (f) of this section, then a jury shall be impaneled to determine the issues.

(f) Punishment. – If convictions for two or more of the same financial crime offenses are aggregated in accordance with this section, the court shall use the aggregated value of the money, goods, property, services, chose in action, or other thing of value when determining the level of punishment to be imposed. Notwithstanding any provision of law to the contrary, financial crime offenses aggregated under subsection (b) of this section are punishable as follows:

- (1) If the aggregated value of the money, goods, property, services, chose in action, or other thing of value exceeds one thousand five hundred dollars (\$1,500), then the aggregated offenses shall be punished as one Class H felony.
- (2) If the aggregated value of the money, goods, property, services, chose in action, or other thing of value exceeds twenty thousand dollars (\$20,000), then the aggregated offense shall be punished as one Class G felony.
- (3) If the aggregated value of the money, goods, property, services, chose in action, or other thing of value exceeds fifty thousand dollars (\$50,000), then the aggregated offenses shall be punished as one Class F felony.
- (4) If the aggregated value of the money, goods, property, services, chose in action, or other thing of value exceeds one hundred thousand dollars (\$100,000), then the aggregated offense shall be punished as one Class C felony. (2023-151, s. 2(a).)