



## Continuing Criminal Enterprise -- Non-Drug Offenses

**Author :** Jessica Smith

**Categories :** [Crimes and Elements](#), [Uncategorized](#)

**Tagged as :** [continuing criminal enterprise](#)

**Date :** January 25, 2011

Most blog readers probably are familiar with [G.S. 90-95.1](#), which sets out the offense of continuing criminal enterprise with respect to drug offenses. I suspect, however, that readers are less familiar with [G.S. 14-7.20](#), which sets out the offense of continuing criminal enterprise for non-drug offenses. Although it was enacted in 1995, the crime is rarely used, notwithstanding the fact that it is a felony and the statute provides for forfeiture of property. The statute provides that a person is guilty of the offense of continuing criminal enterprise when he or she:

- (1) commits any felony in G.S. Chapter 14
- (2) that is part of a continuing series of violations of that Chapter
- (3) undertaken in concert with five or more other persons
- (4) over whom the person occupies a position of organizer, supervisor, or other position of management, *and*
- (5) the person obtains substantial income or resources from the continuing violations.

As should be clear from the elements, the offense is limited to felonies defined by G.S. Chapter 14. Therefore, drug offenses in Chapter 90, motor vehicle offenses in Chapter 20, and offenses defined in other chapters of the General Statutes are not covered this offense.

Punishment for this offense is as a Class H felony. Additionally, the statute provides for forfeiture of property. Specifically, G.S. 14-7.20(b) provides that a person convicted of the offense of continuing criminal enterprise must forfeit to the State

- (1) profits obtained by the person in the enterprise, and
- (2) any of the person's interest in, claim against, or property or contractual rights of any kind affording a source of influence over such enterprise.

I am not sure why the crime is so rarely charged. Perhaps prosecutors haven't been made aware of it. Or perhaps it is viewed as not offering much bang for the buck, in that the proof is somewhat rigorous for what is only a Class H felony. I would be interested to hear your thoughts on the issue.