

§ 14-118.8. Money laundering.

(a) Definitions. – The following definitions apply in this section:

- (1) Criminal activity. – An offense that is (i) classified as a felony under the laws of this State or the United States or (ii) punishable by imprisonment for more than one year under the laws of another state.
- (2) Financial institution. – As defined in G.S. 14-119 or as defined in 31 U.S.C. § 5312.
- (3) Funds. – Includes any of the following:
 - a. Coin or paper money of the United States or any other country that circulates and is customarily used and accepted as a medium of exchange in the country of issue.
 - b. United States silver certificates, United States Treasury notes, and Federal Reserve System notes.
 - c. An official foreign bank note that is customarily used and accepted as a medium of exchange in a foreign country and a foreign bank draft.
 - d. Currency or its equivalent, including an electronic fund, a personal check, a bank check, a traveler's check, a money order, a bearer negotiable instrument, a bearer investment security, a bearer security, a certificate of stock in a form that allows title to pass on delivery, or a digital currency.
 - e. Virtual currency or any other medium of exchange in electronic or digital format that is not a coin or currency of the United States or any other country.
- (4) Insurer. – As defined in G.S. 58-1-5.
- (5) Proceeds of criminal activity. – Funds acquired or derived directly or indirectly from, produced through, realized through, or used in the commission of criminal activity.
- (6) Transaction. – Any purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition between any parties, persons, businesses, or entities, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safety deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.

(b) Offense. – A person commits the offense of money laundering if the person or organization knowingly and willfully does any of the following involving proceeds of criminal activity or funds that alone or aggregated pursuant to subsection (g) of this section exceed ten thousand dollars (\$10,000):

- (1) Acquires or maintains an interest in, conceals, possesses, transfers, or transports the proceeds of criminal activity.
- (2) Conducts, supervises, or facilitates a transaction involving the proceeds of criminal activity.
- (3) Invests, expends, or receives, or offers to invest, expend, or receive, the proceeds of criminal activity or funds that the person believes are the proceeds of criminal activity.
- (4) Finances or invests, or intends to finance or invest, funds that the person believes are intended to further the commission of criminal activity.
- (5) Uses, transports, transmits, or transfers; conspires to use, transport, transmit, or transfer; or attempts to use, transport, transmit, or transfer the proceeds of criminal activity to conduct or attempt to conduct a transaction or make other

disposition with the intent to conceal or disguise the nature, location, source, ownership, or control of the proceeds of criminal activity.

- (6) Uses the proceeds of criminal activity with the intent to promote, in whole or in part, the commission of criminal activity.
- (7) Conducts or attempts to conduct a transaction involving the proceeds of criminal activity, knowing the property involved in the transaction constitutes proceeds of criminal activity with the intent to avoid a transaction reporting requirement under federal law.

(c) Knowledge of Criminal Activity. – Knowledge of the nature of the criminal activity giving rise to the proceeds is required to establish a culpable mental state under this section.

(d) Defense. – It is a defense to prosecution under this section that the person acted with intent to facilitate the lawful seizure, forfeiture, or disposition of funds or other legitimate law enforcement purpose pursuant to the laws of this State or the United States.

(e) Punishment. – In addition to any other civil or criminal penalties provided by law, a person who commits an offense under subsection (b) of this section shall be punished as follows:

- (1) If the value of the proceeds or funds is less than one hundred thousand dollars (\$100,000), the person is guilty of a Class H felony.
- (2) If the value of the proceeds or funds is one hundred thousand dollars (\$100,000) or more, the person is guilty of a Class C felony.

(f) Forfeiture. – In addition to the punishment set forth in subsection (e) of this section, all property of every kind used or intended for use in the course of, derived from, maintained by, or realized through a violation of subsection (b) of this section shall be subject to forfeiture under the procedure set forth in either G.S. 14-2.3 or G.S. 75D-5.

(g) Aggregation. – If the proceeds of criminal activity are related to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one offense and the value of the proceeds aggregated in determining the classification of the offense under subsection (e) of this section.

(h) Merger. – Each violation of subsection (b) of this section constitutes a separate offense and shall not merge with any other offense.

(i) Conspiracy. – A person who conspires to commit an offense under subsection (b) of this section shall be punished as provided in subsection (e) of this section, and all other provisions of this section shall apply to that offense. It shall not be a defense to conspiracy to commit an offense under subsection (b) of this section that the person with whom the defendant is alleged to have conspired was a law enforcement officer or a person acting at the direction of a law enforcement officer that represented to the defendant that the funds are proceeds of or are intended to further the commission of criminal activity.

(j) Protection from Liability. – Notwithstanding any provision of law to the contrary, a financial institution, or an agent of the financial institution, acting in a manner described by subsection (d) of this section is not liable for civil damages to a person who (i) claims an ownership interest in funds involved in a violation of subsection (b) of this section or (ii) conducts with the financial institution or insurer a transaction concerning funds involved in a violation of subsection (b) of this section.

(k) Venue. – Each county where a part of the violations under subsection (b) of this section occurs shall have concurrent venue as described in G.S. 15A-132. (2024-22, s. 1(a).)