



MANHATTAN INSTITUTE FOR POLICY RESEARCH

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North Carolina's criminal code most expansive in region

Citizens punished for selling hot dogs, operating teeth-whitening kiosks, and discussing diets on the internet; state is adding an average of 34 new crimes to the books each year

North Carolina's 765-section criminal code is 55 percent larger than Virginia's and 38 percent larger than South Carolina's—and it's only growing larger. In the past six years, North Carolina has added an average of 34 new crimes to its criminal code each year, about half of which are felonies.

The code includes many obscure crimes, many of which do not require criminal intent, meaning that individuals can be held criminally responsible for violating laws unknowingly. Examples of those facing such violations include:

- Steve Cooskey, who started a blog to share his experience with a diet that helped him manage a life-threatening case of diabetes, was charged by the North Carolina Board of Dietetics and Nutrition with a misdemeanor for unlicensed practice of dietetics.
- Steven Pruner, who was sentenced to 45 days in jail for selling hot dogs without a license, from a food cart near Duke University Medical Center.
- Operators of teeth-whitening kiosks and their landlords, who received cease-and-desist letters from the North Carolina State Board of Dental Examiners accusing them of the practice of dentistry without a license. The board's actions caused manufacturers and distributors of teeth-whitening products to flee the state, and the Federal Trade Commission filed suit in a case currently before the U.S. Supreme Court.

As it stands, North Carolina's criminal code puts citizens in jeopardy of prosecution for unknowing violation of obscure laws and stretches scarce law enforcement resources that could be devoted to prevention and prosecution of serious violent and property crimes.

What can be done?

The authors suggest that North Carolina policymakers implement the following to address overcriminalization in their state:

- **A bipartisan legislative task force** to conduct hearings and establish guidelines governing the creation of new criminal offenses
- **A commission to review criminal law** charged with consolidating, clarifying, and optimizing North Carolina's criminal statutes
- **A default mens rea provision** ensuring that to be convicted of a crime requires a showing of intent unless otherwise clearly specified

The full report is available at http://www.manhattan-institute.org/html/ib_28.htm

James R. Copland is the director of the Manhattan Institute's Center for Legal Policy, which seeks to develop and communicate thoughtful ideas on how to improve the civil and criminal justice system. He also oversees the Institute's corporate-governance website, ProxyMonitor.org.

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