



The following discusses **commonly used terms** in C-CAT.

Certificate of Relief: A procedure, modeled after the [Collateral Consequences of Conviction Act](#), that allows a person convicted of a crime in North Carolina to apply for a certificate relieving them of the collateral consequences associated with a conviction. The legislation authorizing certificates of relief refers to two types of collateral consequences: collateral disqualifications and collateral sanctions. A collateral sanction is one that a decision maker is required by law to impose while a collateral disqualification is one that a decision maker is authorized, but not required, to impose. C-CAT denominates collateral sanctions as “mandatory” collateral consequences and collateral disqualifications as “discretionary” collateral consequences. For a further discussion of certificates of relief see John Rubin, [Relief from a Criminal Conviction: A Digital Guide to Expunctions, Certificates of Relief, and Other Procedures in North Carolina](#) (UNC School of Government 2023).

Citizenship rights: Civic activities, privileges, and rights accorded by the State to citizens. Conviction of a felony bars a person from exercising various citizenship rights, such as the right to vote, hold public office, and sit on a jury. Generally, citizenship rights are automatically restored when a person completes his or her criminal sentence. See [G.S. 13-1\(1\)](#). Restoration of citizenship rights does not automatically relieve a person from other collateral consequences imposed as the result of a conviction.

Collateral consequence: A *civil* penalty that deprives a person of certain rights or privileges and is imposed as the result of a criminal proceeding. Collateral consequences are sometimes denominated as collateral disqualifications—those that may be imposed—or as collateral sanctions—those that must be imposed. C-CAT includes both collateral disqualifications and sanctions.

Crime of moral turpitude: Defined in case law as “act[s] of baseness, vileness, or depravity in the private and social duties that a man owes to his fellowman or to society in general.” *Dew v. State ex. rel. North Carolina Dept. of Motor Vehicles*, 127 N.C. App. 309 (1997) (quoting *Jones v. Brinkley*, 174 N.C. 23, 27 (1917)). There is no statutory definition for a “crime of moral turpitude”; rather, the definition has evolved through civil and criminal case law holding particular crimes to be of moral turpitude. Criminal cases analyzing moral turpitude are often concerned with whether a witness’s credibility can be impeached or whether a sentence can be enhanced based on a conviction of a particular crime. Civil cases analyzing moral turpitude are often concerned with the implementation of a collateral consequence or with slander actions (because it is slander *per se* to falsely accuse someone of committing a crime of moral turpitude). Court decisions outside the collateral consequence context have persuasive value, but they may or may not be controlling in determining whether a conviction is a crime of moral turpitude for purposes of a particular collateral consequence.

Crimes of moral turpitude can be either felonies or misdemeanors. Whether or not a crime is one of moral turpitude involves an offense-by-offense determination. Users are encouraged to



review relevant statutes, regulations, and case law to determine whether or not a conviction is for a crime of moral turpitude for purposes of triggering a specific collateral consequence. Examples of crimes that have been held to be crimes of moral turpitude include offenses in which the intent to steal or defraud is an element, such as theft, embezzlement, and forgery (*see Gibby v. Murphy*, 73 N.C. App. 128 (1985); *see also In re Scott Dillingham's Application*, 188 N.C. 162 (1924)); drug offenses in which the intent to sell or distribute is an element (*see Dew v. State ex rel. North Carolina Dep't of Motor Vehicles*, 127 N.C. App. 309 (1997)); and many "violent crimes," including murder, kidnapping, and common law robbery (*see Averitt v. Rozler*, 119 N.C. App. 216 (1995); *see also State v. Shelly*, 176 N.C. App. 575 (2006)).

Examples of crimes that that have been held not to involve moral turpitude include simple possession of a controlled substance (*see State v. Shelly*, 176 N.C. App. 575 (2006)); solicitation to commit a crime against nature (*see State v. Tyner*, 50 N.C. App. 206, 207-08 (1980)); and receipt of stolen goods (*see State v. Hageman*, 307 N.C. 1 (1982)).

Crimes of moral turpitude may include crimes involving dishonesty or fraud, such as those mentioned above. Occasionally, however, dishonesty or fraud is a specific ground for a collateral consequence. For example, a general contractor's license may be denied for any act involving "dishonesty, fraud, or deceit." [G.S. 93-10](#). Other terms, including "moral character" and "gross immorality," that occasionally implicate collateral consequences may overlap with crimes of moral turpitude, but the extent to which they do so is beyond the scope of this definition.

In 2019, the General Assembly amended [G.S. 93B-8.1](#) to limit the authority of occupational licensing boards to deny a license based on a crime of moral turpitude. GS 93B-8.1 appears to override statutes with greater restrictions on licensure. However, because individual statutes continue to contain more restrictive language, agencies may not have recognized the impact of the statute. For a further discussion of the amended statute, see [here](#).

Disposition: The final outcome of the criminal case or, in some instances, an earlier point in the criminal process that triggers the implementation of the collateral consequence. Many statutes and regulations identify the disposition event for purposes of collateral consequences. Listed below are the disposition events contained in C-CAT.

Admission: An admission of guilt or responsibility other than a guilty plea. A guilty plea is treated as an event constituting a conviction.

Arrest: Taking a person into custody in response to the alleged commission of a crime.

Charge: Allegations of the commission of a crime. A charge may be issued whether or not a person is placed under arrest.

Commission of crime: A determination that the individual committed the criminal act alleged. For purposes of collateral consequences, commission of a crime is typically determined at a separate civil proceeding before a board or agency and may be based on



a lower standard of proof, typically by a preponderance of the evidence, than the beyond a reasonable doubt standard used in criminal proceedings.

Conviction: Listed below are events C-CAT treats as convictions for purposes of triggering a collateral consequence:

- Adjudications of guilt by a judge or jury.
- Guilty pleas. (“It is settled law in this State that a plea of guilty, freely, understandingly, and voluntarily entered, is equivalent to a conviction of the offense charged.” *State v. Watkins*, 283 N.C. 17, 27 (1973)).
- No contest and nolo contendere pleas. Unless specifically excluded by a collateral consequence statute, C-CAT treats a plea of no contest (also called nolo contendere) as an event constituting a conviction. In criminal proceedings, a judgment based on a no contest plea is considered a conviction. *See State v. Outlaw*, 326 N.C. 467 (1990) (entry of judgment based on a no contest plea constitutes an adjudication of guilt because, beginning July 1, 1975, the judge must find a factual basis for the plea). In subsequent civil proceedings, a no contest plea does not constitute an admission of guilt by a person and generally may not be used to establish a person’s civil liability. *See State v. Holden*, 321 N.C. 125 (1987) (a no contest plea cannot be used in another case to prove the defendant committed the crime to which he or she pled no contest). But, for purposes of collateral consequences, a judgment based on a no contest plea is still likely to be considered a conviction, with the same effect as a judgment based on a guilty plea. *See, e.g., Davis v. Hiatt*, 326 N.C. 462 (1990) (judgment on plea of no contest amounted to adjudication of guilt and therefore could serve as basis for revocation of defendant’s license). Some regulations specifically include “a plea of no contest, nolo contendere, or the equivalent” in the definition of conviction. *See, e.g., 12 N.C. Admin. Code 10B.0103*. But, even if a statute or regulations is silent on the matter, it is likely that a reviewing board or agency would treat a judgment based on a no contest plea as a conviction.
- Prayers for judgment continued. Unless specifically excluded by a collateral consequence statute, C-CAT treats a prayer for judgment continued (PJC) as an event constituting a conviction. *See, e.g., Britt v. North Carolina Sheriff’s Educ. & Training Standards Comm’n*, 348 N.C. 573 (1998) (petitioner’s plea of no contest was a conviction for purposes of petitioner’s certification as deputy sheriff despite the trial court’s entry of a prayer for judgment continued). Some statutes and regulations specifically include PJCs in the list of events that trigger a consequence. For example, a wrecker service may be removed from the State Highway Patrol’s rotation list if the owner has “been convicted of, pled guilty to, or received a prayer for judgment continued (PJC)” for any specified crime. *14B N.C. Admin. Code 07A.0116*. But, even if a statute or regulation is silent on the matter, it is likely that a reviewing board or agency would treat a PJC as a conviction.
- When the implementation of a collateral consequence is triggered by something less than a conviction, for example, by an admission or the issuance of a criminal charge, it is likely that a conviction will also trigger the consequence. When a statute is silent,



C-CAT classifies the required disposition as conviction. Users are encouraged to consult the specific statute imposing a collateral consequence to determine whether an event qualifies as a conviction for purposes of triggering a consequence.

Deferred prosecution: A procedure by which the court places a person on probation for the offense and defers further proceedings; if the person successfully completes the terms of the probation, the proceedings are dismissed. C-CAT does not treat a deferred prosecution as an event constituting a conviction because generally it does not involve entry of a guilty plea or an adjudication of guilt. A deferred prosecution still could result in collateral consequences triggered by something less than a criminal conviction. For example, if the prosecutor required the defendant to admit the allegations in the deferred prosecution agreement, the deferred prosecution could be used as an admission in a civil proceeding to show that the defendant committed a criminal act. Further, for federal immigration purposes, a deferred prosecution may be treated as a conviction in some circumstances. See Sejal Zota & John Rubin, [Immigration Consequences of a Criminal Conviction in North Carolina](#) § 4.2A (UNC School of Government 2017). Users are encouraged to consult the specific provision imposing a collateral consequence to determine whether an event qualifies as a conviction for purposes of triggering the consequence.

Expunction: A procedure by which a person may obtain a court order to expunge, or erase, the record of prior court proceedings against him or her. For a detailed discussion of expunction law in North Carolina, see John Rubin, [Relief from a Criminal Conviction: A Digital Guide to Expunctions, Certificates of Relief, and Other Procedures in North Carolina](#) (UNC School of Government 2023).

Indictment: A formal written accusation of a crime made by a grand jury.

Initial decision maker: C-CAT refers to the entity—agency, board, judge, hiring authority, etc.—responsible for imposing a collateral consequence as the initial decision maker in C-CAT.

Pardon: An official nullification of a conviction. North Carolina allows three types of pardons: pardons of forgiveness, pardons of innocence, and unconditional pardons. Information on pardons in North Carolina is available from the [Governor's Clemency Office](#). See also John Rubin, [Relief from a Criminal Conviction: A Digital Guide to Expunctions, Certificates of Relief, and Other Procedures in North Carolina](#) (UNC School of Government 2023).