

March 1, 2005

**H 423. HABITUAL MISDEMEANOR LARCENY/FELONY. TO CREATE THE OFFENSE OF HABITUAL MISDEMEANOR LARCENY.** Adds new GS 14-86.2 to establish the offense of habitual misdemeanor larceny, a Class H felony. Provides that offense is committed if person (1) is 18 years of age or older, (2) commits misdemeanor larceny under GS 14-72(a), and (3) has five or more prior misdemeanor larceny convictions. Defines conviction for purposes of this offense to mean adjudication of guilt or a plea of guilty or no contest to the misdemeanor larceny charge if judgment has been entered. Provides that if an offender is convicted of more than one offense of misdemeanor larceny in a single session of district court, or in a single week of superior court or of a court in another jurisdiction, only one of the convictions may be used to establish the offense of habitual misdemeanor larceny. Provides that the offense of habitual misdemeanor larceny does not constitute the commission of a felony for purposes of the sentencing of habitual felons. Effective December 1, 2005, and applies to offenses committed on or after that date.

**Intro. by Moore.**

Ref. to Judiciary II

GS 14

May 3, 2005

**H 423. HABITUAL MISDEMEANOR LARCENY/FELONY.** Intro. 3/1/05. House committee substitute makes the following changes to 1st edition. Provides that a repealed or superseded offense substantially similar to misdemeanor larceny is considered misdemeanor larceny for purposes of the habitual offense only if it was committed within the last 10 years.