

February 11, 2009

**H 129. HABITUAL MISDEMEANOR LARCENY/FELONY.** Filed 2/11/09. *TO CREATE THE OFFENSE OF HABITUAL MISDEMEANOR LARCENY.*

Enacts a new GS 14-86.2 to create the offense of habitual misdemeanor larceny. Establishes definitions for (1) *convicted* to mean the person has been adjudged guilty of or has entered a plea of guilty or no contest to the misdemeanor larceny charge, and the judgment has been entered by the time the action occurred, and (2) *misdemeanor larceny* to include misdemeanor larceny pursuant to GS 14-72(a), any repealed or superseded offense substantially equivalent to misdemeanor larceny under GS 14-72(a) committed within the last 10 years, and any offense committed in another jurisdiction substantially similar to misdemeanor larceny under GS 14-72(a). Provides that a person is committing habitual misdemeanor larceny if that person (1) is 18 years of age or older, (2) commits misdemeanor larceny under GS 14-72(a), and (3) has been convicted of five or more prior misdemeanor larceny convictions. Makes a person convicted of violating this section guilty of a Class H felony. Provides that, if an offender is convicted of more than one misdemeanor larceny offense in a single district court session, 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 habitual misdemeanor larceny. Clarifies that a violation of this section does not constitute commission of a felony for purposes of GS 14-7.6. Effective December 1, 2009, and applies to offenses committed on or after that date.

**Intro. by Moore.**

GS 14