

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 54*
Committee Substitute Favorable 3/9/11
Committee Substitute #2 Favorable 5/11/11
Fourth Edition Engrossed 5/16/11
Senate Judiciary II Committee Substitute Adopted 5/23/12
Proposed Conference Committee Substitute H54-PCCS11398-SA-2

Short Title: Habitual Misdemeanor Larceny.

(Public)

Sponsors:

Referred to:

February 9, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IF A DEFENDANT HAS FOUR OR MORE PRIOR
LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-72(b) reads as rewritten:

"§ 14-72. Larceny of property; receiving stolen goods or possessing stolen goods.

...

(b) The crime of larceny is a felony, without regard to the value of the property in question, if the larceny is any of the following:

- (1) From the person.
- (2) Committed pursuant to a violation of G.S. 14-51, 14-53, 14-54, 14-54.1, or 14-57.
- (3) Of any explosive or incendiary device or substance. As used in this section, the phrase "explosive or incendiary device or substance" shall include any explosive or incendiary grenade or bomb; any dynamite, blasting powder, nitroglycerin, TNT, or other high explosive; or any device, ingredient for such device, or type or quantity of substance primarily useful for large-scale destruction of property by explosive or incendiary action or lethal injury to persons by explosive or incendiary action. This definition shall not include fireworks; or any form, type, or quantity of gasoline, butane gas, natural gas, or any other substance having explosive or incendiary properties but serving a legitimate nondestructive or nonlethal use in the form, type, or quantity stolen.
- (4) Of any firearm. As used in this section, the term "firearm" shall include any instrument used in the propulsion of a shot, shell or bullet by the action of gunpowder or any other explosive substance within it. A "firearm," which at the time of theft is not capable of being fired, shall be included within this definition if it can be made to work. This definition shall not include air rifles or air pistols.



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- 1 (5) Of any record or paper in the custody of the North Carolina State Archives
2 as defined by G.S. 121-2(7) and G.S. 121-2(8).
- 3 (6) Committed after the defendant has been convicted in this State or in another
4 jurisdiction for any offense of larceny under this section, or any offense
5 deemed or punishable as larceny under this section, or any substantially
6 similar offense in any other jurisdiction, regardless of whether the prior
7 convictions were misdemeanors, felonies, or a combination thereof, at least
8 four times. A conviction shall not be included in the four prior convictions
9 required under this subdivision unless the defendant was represented by
10 counsel or waived counsel at first appearance or otherwise prior to trial or
11 plea. If a person is convicted of more than one offense of misdemeanor
12 larceny in a single session of district court, or in a single week of superior
13 court or of a court in another jurisdiction, only one of the convictions may be
14 used as a prior conviction under this subdivision; except that convictions
15 based upon offenses which occurred in separate counties shall each count as
16 a separate prior conviction under this subdivision."

17 **SECTION 2.** This act becomes effective December 1, 2012, and applies to
18 offenses committed on or after that date.