

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

D

HOUSE BILL 42
PROPOSED COMMITTEE SUBSTITUTE H42-PCS40148-CV-1

Short Title: Burglary & B&E/Sentence Enhancement.

(Public)

Sponsors:

Referred to:

February 5, 2025

A BILL TO BE ENTITLED
AN ACT TO REVISE THE OFFENSES OF FIRST AND SECOND DEGREE BURGLARY
AND TO ENHANCE THE PUNISHMENT IMPOSED FOR CERTAIN BURGLARY AND
BREAKING OR ENTERING OFFENSES COMMITTED BY A PERSON IN
POSSESSION OF A FIREARM OR OTHER DEADLY WEAPON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-51 reads as rewritten:

"§ 14-51. First and second degree burglary.

~~There shall be two degrees in the crime of burglary as defined at the common law. If the crime be committed in a dwelling house, or in a room used as a sleeping apartment in any building, and any person is in the actual occupation of any part of said dwelling house or sleeping apartment at the time of the commission of such crime, it shall be burglary in the first degree. If such crime be committed in a dwelling house or sleeping apartment not actually occupied by anyone at the time of the commission of the crime, or if it be committed in any house within the eurtilage of a dwelling house or in any building not a dwelling house, but in which is a room used as a sleeping apartment and not actually occupied as such at the time of the commission of the crime, it shall be burglary in the second degree.~~

~~For the purposes of defining the crime of burglary, larceny shall be deemed a felony without regard to the value of the property in question.~~

(a) Burglary in the First Degree. – Any person who shall break and enter the dwelling house or room used as a sleeping apartment of another with the intent to commit any felony or larceny therein and any person is in the actual occupation of any part of said dwelling house or sleeping apartment at the time of the commission of such crime, it shall be burglary in the first degree.

(b) Burglary in the Second Degree. – Any person who shall break and enter the dwelling house or room used as a sleeping apartment of another with the intent to commit any felony or larceny therein and the property was not actually occupied at the time of the commission of the crime, it shall be burglary in the second degree."

SECTION 2. G.S. 14-52 reads as rewritten:

"§ 14-52. Punishment for burglary.

(a) Punishment. – Burglary in the first degree shall be punishable as a Class D felony, and burglary in the second degree shall be punishable as a Class G felony.

(b) Enhancement. – If a person possessed a firearm or other deadly weapon about his or her person during the commission of an offense under G.S. 14-51, in addition to any other sentence enhancement required by law, the person shall be sentenced at a felony class level one class higher than the principal felony for which the person was convicted. An indictment or



* H 4 2 - P C S 4 0 1 4 8 - C V - 1 *

1 information for the felony shall allege in that indictment or information the facts that qualify the
2 offense for an enhancement under this subsection. One pleading is sufficient for all felonies that
3 are tried at a single trial."

4 **SECTION 3.** G.S. 14-53 reads as rewritten:

5 **"§ 14-53. Breaking out of dwelling house burglary.**

6 (a) Offense and Punishment. – If any person shall enter the dwelling house of another
7 with intent to commit any felony or larceny therein, or being in such dwelling house, shall commit
8 any felony or larceny therein, and shall, in either case, break out of such dwelling ~~house in the~~
9 ~~nighttime, house,~~ such person shall be punished as a Class D felon.

10 (b) Enhancement. – If a person possessed a firearm or other deadly weapon about his or
11 her person during the commission of an offense under subsection (a) of this section, in addition
12 to any other sentence enhancement required by law, the person shall be sentenced at a felony
13 class level one class higher than the principal felony for which the person was convicted. An
14 indictment or information for the felony shall allege in that indictment or information the facts
15 that qualify the offense for an enhancement under this subsection. One pleading is sufficient for
16 all felonies that are tried at a single trial."

17 **SECTION 4.** G.S. 14-54 reads as rewritten:

18 **"§ 14-54. Breaking or entering buildings generally.**

19 (a) Offense with Intent to Commit Felony or Larceny; Punishment. – Any person who
20 breaks or enters any building with intent to commit any felony or larceny therein shall be
21 punished as a Class H felon.

22 (a1) Offense with Intent to Terrorize or Injure; Punishment. – Any person who breaks or
23 enters any building with intent to terrorize or injure an occupant of the building is guilty of a
24 Class H felony.

25 (b) Offense Generally; Punishment. – Any person who wrongfully breaks or enters any
26 building is guilty of a Class 1 misdemeanor.

27 (b1) Enhancement. – If a person possessed a firearm or other deadly weapon about his or
28 her person during the commission of an offense under this section, in addition to any other
29 sentence enhancement required by law, the person shall be sentenced at a class level one class
30 higher than the principal offense for which the person was convicted. An indictment or
31 information for the offense shall allege in that indictment or information the facts that qualify the
32 offense for an enhancement under this subsection. One pleading is sufficient for all offenses that
33 are tried at a single trial.

34 (c) Definition. – As used in this section, "building" shall be construed to include any
35 dwelling, dwelling house, uninhabited house, building under construction, building within the
36 curtilage of a dwelling house, and any other structure designed to house or secure within it any
37 activity or property."

38 **SECTION 5.** This act becomes effective December 1, 2025, and applies to offenses
39 committed on or after that date.