

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

2

HOUSE BILL 54*
Committee Substitute Favorable 3/9/11

Short Title: Habitual Misdemeanor Larceny.

(Public)

Sponsors:

Referred to:

February 9, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT IF A DEFENDANT HAS SEVEN OR MORE PRIOR
3 LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 14-72. Larceny of property; receiving stolen goods or possessing stolen goods.**

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

9 (1) From the person.

10 (2) Committed pursuant to a violation of G.S. 14-51, 14-53, 14-54, 14-54.1, or
11 14-57.

12 (3) Of any explosive or incendiary device or substance. As used in this section,
13 the phrase "explosive or incendiary device or substance" shall include any
14 explosive or incendiary grenade or bomb; any dynamite, blasting powder,
15 nitroglycerin, TNT, or other high explosive; or any device, ingredient for
16 such device, or type or quantity of substance primarily useful for large-scale
17 destruction of property by explosive or incendiary action or lethal injury to
18 persons by explosive or incendiary action. This definition shall not include
19 fireworks; or any form, type, or quantity of gasoline, butane gas, natural gas,
20 or any other substance having explosive or incendiary properties but serving
21 a legitimate nondestructive or nonlethal use in the form, type, or quantity
22 stolen.

23 (4) Of any firearm. As used in this section, the term "firearm" shall include any
24 instrument used in the propulsion of a shot, shell or bullet by the action of
25 gunpowder or any other explosive substance within it. A "firearm," which at
26 the time of theft is not capable of being fired, shall be included within this
27 definition if it can be made to work. This definition shall not include air
28 rifles or air pistols.

29 (5) Of any record or paper in the custody of the North Carolina State Archives
30 as defined by G.S. 121-2(7) and G.S. 121-2(8).

31 (6) Committed after the defendant has been convicted in this State or in another
32 jurisdiction for any offense of larceny, or any offense deemed or punishable
33 as larceny, or of any substantially similar offense in any other jurisdiction,
34 regardless of whether the prior convictions were misdemeanors, felonies, or
35 a combination thereof, at least seven times. Convictions where the court
36 record reflects that the defendant waived counsel shall not be included in the
37 seven prior convictions required under this subdivision. If a person is



* H 5 4 - V - 2 *

1 convicted of more than one offense of misdemeanor larceny in a single
2 session of district court, or in a single week of superior court or of a court in
3 another jurisdiction, only one of the convictions may be used as a prior
4 conviction under this subdivision."

5 **SECTION 2.** This act becomes effective December 1, 2011, and applies to
6 offenses committed on or after that date.