

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

2

HOUSE BILL 423
Committee Substitute Favorable 5/3/05

Short Title: Habitual Misdemeanor Larceny/Felony. (Public)

Sponsors:

Referred to:

March 1, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE OFFENSE OF HABITUAL MISDEMEANOR
3 LARCENY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 16 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 "§ 14-86.2. Habitual misdemeanor larceny.

8 (a) The following definitions apply in this section:

9 (1) 'Convicted' means the person has been adjudged guilty of or has
10 entered a plea of guilty or no contest to the misdemeanor larceny
11 charge, and judgment has been entered thereon when the action
12 occurred.

13 (2) 'Misdemeanor larceny' includes the following offenses:

14 a. Misdemeanor larceny pursuant to G.S. 14-72(a).

15 b. Any repealed or superseded offense substantially equivalent to
16 misdemeanor larceny under G.S. 14-72(a) committed within the
17 last 10 years.

18 c. Any offense committed in another jurisdiction substantially
19 similar to misdemeanor larceny under G.S. 14-72(a).

20 (b) A person commits the offense of habitual misdemeanor larceny if that person
21 is 18 years of age or older, commits misdemeanor larceny under G.S. 14-72(a), and has
22 been convicted of five or more prior misdemeanor larceny convictions. A person
23 convicted of violating this section is guilty of a Class H felony.

24 (c) For purposes of this section, if an offender is convicted of more than one
25 offense of misdemeanor larceny in a single session of district court, or in a single week
26 of superior court or of a court in another jurisdiction, only one of the convictions may
27 be used to establish the offense of habitual misdemeanor larceny.

28 (d) A violation of this section shall not constitute commission of a felony for
29 purposes of G.S. 14-7.6."

1 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
2 offenses committed on or after that date.