

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1270
Judiciary II (Criminal) Committee Substitute Adopted 5/8/07
Appropriations/Base Budget Committee Substitute Adopted 6/28/07

Short Title: Amend Larceny Laws.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AMEND VARIOUS LARCENY STATUTES AND TO CREATE THE
2 CRIMINAL OFFENSES OF THEFT OF INFANT FORMULA AND ORGANIZED
3 RETAIL THEFT.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 14-71 reads as rewritten:

7 "**§ 14-71. Receiving stolen goods.**

8 If any person shall receive any chattel, property, money, valuable security or other
9 thing whatsoever, the stealing or taking whereof amounts to larceny or a felony, either
10 at common law or by virtue of any statute made or hereafter to be made, such person
11 knowing or having reasonable grounds to believe the same to have been feloniously
12 stolen or taken, whether or not the item has been feloniously stolen or taken, he shall be
13 guilty of a Class H felony, and may be indicted and convicted, whether the felon
14 stealing and taking such chattels, property, money, valuable security or other thing, shall
15 or shall not have been previously convicted, or shall or shall not be amenable to justice;
16 and any such receiver may be dealt with, indicted, tried and punished in any county in
17 which he shall have, or shall have had, any such property in his possession or in any
18 county in which the thief may be tried, in the same manner as such receiver may be
19 dealt with, indicted, tried and punished in the county where he actually received such
20 chattel, money, security, or other thing; and such receiver shall be punished as one
21 convicted of larceny."

22 **SECTION 2.** G.S. 14-72 reads as rewritten:

23 "**§ 14-72. Larceny of property; receiving stolen goods or possessing stolen goods.**

24 (a) Larceny of goods of the value of more than one thousand dollars (\$1,000) is a
25 Class H felony. The receiving or possessing of stolen goods of the value of more than
26 one thousand dollars (\$1,000) while knowing or having reasonable grounds to believe
27 that the goods are stolen is a Class H felony. Larceny as provided in subsection (b) of
28 this section is a Class H felony. Receiving or possession of stolen goods as provided in

1 subsection (c) of this section is a Class H felony. Except as provided in subsections (b)
2 and (c) of this section, larceny of property, or the receiving or possession of stolen
3 goods knowing or having reasonable grounds to believe them to be stolen, where the
4 value of the property or goods is not more than one thousand dollars (\$1,000), is a Class
5 1 misdemeanor. In all cases of doubt, the jury shall, in the verdict, fix the value of the
6 property stolen.

7 (b) ~~The~~ Except as provided in sub-subdivisions (6)d. and (6)e. of this subsection,
8 the crime of larceny is a felony, without regard to the value of the property in question,
9 if the larceny is any of the following:

10 (1) From the person.

11 (2) Committed pursuant to a violation of G.S. 14-51, 14-53, 14-54,
12 14-54.1, or 14-57.

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

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

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

32 (6) From any merchant:

33 a. By using an exit door erected and maintained to comply with
34 the requirements of 29 C.F.R. § 1910 Subpart E, upon which
35 door has been placed a notice, sign, or poster providing
36 information about the felony offense and punishment provided
37 under this subsection, to exit the premises of a store.

38 b. By removing, destroying, or deactivating any component of an
39 antishoplifting or inventory control device to prevent the
40 activation of any antishoplifting or inventory control device.

41 c. By affixing a product code obtained or created by the person for
42 the purpose of fraudulently obtaining goods or merchandise
43 from a merchant at less than its actual sale price.

1 (a) Offense: Organized Retail Theft. – A person who conspires with another
2 person to commit theft of retail property from a retail establishment, with a value
3 exceeding one thousand five hundred dollars (\$1,500) aggregated over a 90-day period,
4 with the intent to sell that retail property for monetary or other gain, and who takes or
5 causes that retail property to be placed in the control of a retail property fence or other
6 person in exchange for consideration is guilty of a Class G felony.

7 (b) Offense: Receiving and Possessing Retail Property Obtained by Organized
8 Retail Theft. – A person who receives or possesses, with the intent to distribute, any
9 retail property into interstate commerce which has been taken or stolen in violation of
10 this section is guilty of a Class G felony.

11 (c) Explicit Representation of Theft of Retail Property. – It is not a defense to a
12 charge of receiving stolen retail property in violation of this section that the retail
13 property was obtained by means other than through the commission of a theft offense if
14 the retail property was explicitly represented to the accused person as being obtained
15 through the commission of a theft offense.

16 (d) Venue. – Venue for criminal actions to enforce the provisions of this section,
17 including criminal actions with respect to each of the offenses included within
18 organized retail theft as defined by this section that have been committed, attempted, or
19 conspired to be committed by two or more persons, shall be in any county in which at
20 least one criminal offense has occurred that constitutes part of the organized retail theft
21 offenses. It is the intent of the General Assembly that one State court may have
22 jurisdiction over all the conduct, persons, and retail property which are part of, or are
23 directly related to, each and all of the criminal offenses forming part of the organized
24 retail theft offenses; however, it is discretionary, not mandatory, to bring all criminal
25 actions in one jurisdiction when organized retail theft offenses involve two or more
26 counties.

27 (e) Forfeiture. – Any person who violates any provision of this section shall
28 forfeit to the State any interest the person has acquired or maintained in violation of this
29 section."

30 **SECTION 4.** This act becomes effective December 1, 2007, and applies to
31 offenses committed on or after that date.