

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 700  
HOUSE BILL 979

AN ACT TO CREATE A GENERAL OFFENSE OF TRESPASS THAT REPLACES  
MISCELLANEOUS TRESPASS OFFENSES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 22B.

"§ 14-159.11. **Definition.**—As used in this Article, 'building' means any structure or part of a structure, other than a conveyance, enclosed so as to permit reasonable entry only through a door and roofed to protect it from the elements.

"§ 14-159.12. **First degree trespass.** – (a) Offense. A person commits the offense of first degree trespass if, without authorization, he enters or remains:

- (1) On premises of another so enclosed or secured as to demonstrate clearly an intent to keep out intruders; or
- (2) In a building of another.

(b) Classification. First degree trespass is a misdemeanor punishable by imprisonment for up to six months, a fine of up to one thousand dollars (\$1,000), or both.

"§ 14-159.13. **Second degree trespass.**—(a) Offense. A person commits the offense of second degree trespass if, without authorization, he enters or remains on premises of another:

- (1) After he has been notified not to enter or remain there by the owner, by a person in charge of the premises, by a lawful occupant, or by another authorized person; or
- (2) That are posted, in a manner reasonably likely to come to the attention of intruders, with notice not to enter the premises.

(b) Classification. Second degree trespass is a misdemeanor punishable by imprisonment for up to 30 days, a fine up to two hundred dollars (\$200.00), or both.

"§ 14-159.14. **Lesser included offenses.**—The offenses created by this act shall constitute lesser included offenses of breaking or entering as provided in G.S. 14-54 and G.S. 14-56."

Sec. 2. The following sections of Chapter 14 are repealed: G.S. 14-126, 14-132.1, 14-134, and G.S. 14-143.

Sec. 3. The title of Article 22 of Chapter 14 is rewritten to read:

"Damages and Other Offenses to Land and Fixtures."

Sec. 4. All laws that refer to statutes repealed or amended by this act shall be considered to refer, insofar as possible, to the provisions of this act that accomplish the same or an equivalent purpose.

Sec. 5. This act shall become effective October 1, 1987, and shall apply to offenses occurring on or after that date. Prosecutions for offenses occurring before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

In the General Assembly read three times and ratified this the 30th day of July, 1987.