

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS15019-LH-29 (1/28)

Short Title: Repeat Misd. Larceny.

(Public)

Sponsors: Senator Shubert.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN REPEAT
OFFENSES OF MISDEMEANOR LARCENY OR SHOPLIFTING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-72 reads as rewritten:

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

(a) Larceny of goods of the value of more than one thousand dollars (\$1,000) is a Class H felony. The receiving or possessing of stolen goods of the value of more than one thousand dollars (\$1,000) while knowing or having reasonable grounds to believe that the goods are stolen is a Class H felony. Larceny as provided in subsection (b) of this section is a Class H felony. Receiving or possession of stolen goods as provided in subsection (c) of this section is a Class H felony. Except as provided in subsections ~~(b)(a1), (b), and (c)~~ of this section, larceny of ~~property, or the receiving or possession of stolen goods knowing or having reasonable grounds to believe them to be stolen,~~ property where the value of the property or goods is not more than one thousand dollars (\$1,000), is a Class 1 misdemeanor. Except as provided in subsections (b) and (c) of this section, a person receiving or possessing stolen goods knowing or having reasonable grounds to believe them to be stolen where the value of the goods is not more than one thousand dollars (\$1,000) is guilty of a Class 1 misdemeanor. In all cases of doubt, the jury shall, in the verdict, fix the value of the property stolen.

(a1) A person convicted within three years of a fifth or subsequent offense of larceny of property where the value of the property is not more than one thousand dollars (\$1,000) is guilty of a Class H felony.

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

(1) From the person; or

- 1 (2) Committed pursuant to a violation of G.S. 14-51, 14-53, 14-54 or
2 14-57; or
- 3 (3) Of any explosive or incendiary device or substance. As used in this
4 section, the phrase "explosive or incendiary device or substance" shall
5 include any explosive or incendiary grenade or bomb; any dynamite,
6 blasting powder, nitroglycerin, TNT, or other high explosive; or any
7 device, ingredient for such device, or type or quantity of substance
8 primarily useful for large-scale destruction of property by explosive or
9 incendiary action or lethal injury to persons by explosive or incendiary
10 action. This definition shall not include fireworks; or any form, type,
11 or quantity of gasoline, butane gas, natural gas, or any other substance
12 having explosive or incendiary properties but serving a legitimate
13 nondestructive or nonlethal use in the form, type, or quantity stolen.
- 14 (4) Of any firearm. As used in this section, the term "firearm" shall
15 include any instrument used in the propulsion of a shot, shell or bullet
16 by the action of gunpowder or any other explosive substance within it.
17 A "firearm," which at the time of theft is not capable of being fired,
18 shall be included within this definition if it can be made to work. This
19 definition shall not include air rifles or air pistols.
- 20 (5) Of any record or paper in the custody of the North Carolina State
21 Archives as defined by G.S. 121-2(7) and 121-2(8).

22 (c) The crime of possessing stolen goods knowing or having reasonable grounds
23 to believe them to be stolen in the circumstances described in subsection (b) is a felony
24 or the crime of receiving stolen goods knowing or having reasonable grounds to believe
25 them to be stolen in the circumstances described in subsection (b) is a felony, without
26 regard to the value of the property in question.

27 (d) Where the larceny or receiving or possession of stolen goods as described in
28 subsection (a) of this section involves the merchandise of any store, a merchant, a
29 merchant's agent, a merchant's employee, or a peace officer who detains or causes the
30 arrest of any person shall not be held civilly liable for detention, malicious prosecution,
31 false imprisonment, or false arrest of the person detained or arrested, when such
32 detention is upon the premises of the store or in a reasonable proximity thereto, is in a
33 reasonable manner for a reasonable length of time, and, if in detaining or in causing the
34 arrest of such person, the merchant, the merchant's agent, the merchant's employee, or
35 the peace officer had, at the time of the detention or arrest, probable cause to believe
36 that the person committed an offense under subsection (a) of this section. If the person
37 being detained by the merchant, the merchant's agent, or the merchant's employee, is a
38 minor under the age of 18 years, the merchant, the merchant's agent, or the merchant's
39 employee, shall call or notify, or make a reasonable effort to call or notify the parent or
40 guardian of the minor, during the period of detention. A merchant, a merchant's agent,
41 or a merchant's employee, who makes a reasonable effort to call or notify the parent or
42 guardian of the minor shall not be held civilly liable for failing to notify the parent or
43 guardian of the minor."

44 **SECTION 2.** G.S. 14-72.1 is amended by adding a new subsection to read:

1 "(d2) Notwithstanding subsection (e) of this section, any person convicted of a fifth
2 or subsequent violation of subsection (a) or (d) of this section within three years is
3 guilty of a Class H felony."

4 **SECTION 3.** This act becomes effective December 1, 2003, and applies to
5 offenses committed on or after that date.