

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH80232-LH-158 (03/28)

Short Title: Burglary/Delete Nighttime Requirement.

(Public)

Sponsors: Representative Moore.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO AMEND THE CRIMINAL OFFENSE OF BURGLARY BY
3 ELIMINATING THE ESSENTIAL ELEMENT THAT THE CRIME BE
4 COMMITTED AT NIGHT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 14-51 reads as rewritten:

7 "**§ 14-51. First and second degree burglary.**

8 There shall be two degrees in the crime of burglary as defined at the ~~common-law-~~
9 common law; however, the crime of burglary shall not include as an essential element
10 of proof that the offense be committed at night. The crime of burglary may occur at any
11 time of the day if all other elements of the common-law offense are established. If the
12 crime be committed in a dwelling house, or in a room used as a sleeping apartment in
13 any building, and any person is in the actual occupation of any part of said dwelling
14 house or sleeping apartment at the time of the commission of such crime, it shall be
15 burglary in the first degree. If such crime be committed in a dwelling house or sleeping
16 apartment not actually occupied by anyone at the time of the commission of the crime,
17 or if it be committed in any house within the curtilage of a dwelling house or in any
18 building not a dwelling house, but in which is a room used as a sleeping apartment and
19 not actually occupied as such at the time of the commission of the crime, it shall be
20 burglary in the second degree. For the purposes of defining the crime of burglary,
21 larceny shall be deemed a felony without regard to the value of the property in
22 question."

23 **SECTION 2.** This act becomes effective December 1, 2003, and applies to
24 offenses committed on or after that date.