

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 934*

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

Sponsors: Senators Clary; Allran, Berger of Rockingham, Blake, East, Hoyle, Hunt, and Tillman.

Referred to: Judiciary I.

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE OFFENSE OF HABITUAL MISDEMEANOR LARCENY.
3 The General Assembly of North Carolina enacts:

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

6 "**§ 14-86.2. Habitual misdemeanor larceny.**

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

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

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

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

13 b. Any repealed or superseded offense substantially equivalent to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

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

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

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

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

28 **SECTION 2.** This act becomes effective December 1, 2009, and applies to
29 offenses committed on or after that date.

