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HOUSE DRH50063-LH-51 (1/29)

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

Sponsors:	Representative Moore.

Referred to:	

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13   b.   Any repealed or superseded offense substantially equivalent to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.