

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1077

Short Title: Amend Burglary.

(Public)

Sponsors: Senator Dalton.

Referred to: Judiciary.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE OFFENSES OF FIRST AND SECOND DEGREE
BURGLARY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-51 reads as rewritten:

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

~~There shall be two degrees in the crime of burglary as defined at the common law. If the crime be committed in a dwelling house, or in a room used as a sleeping apartment in any building, and any person is in the actual occupation of any part of said dwelling house or sleeping apartment at the time of the commission of such crime, it shall be burglary in the first degree. If such crime be committed in a dwelling house or sleeping apartment not actually occupied by anyone at the time of the commission of the crime, or if it be committed in any house within the curtilage of a dwelling house or in any building not a dwelling house, but in which is a room used as a sleeping apartment and not actually occupied as such at the time of the commission of the crime, it shall be burglary in the second degree. For the purposes of defining the crime of burglary, larceny shall be deemed a felony without regard to the value of the property in question.~~

(a) First degree burglary. – It is first degree burglary if a person does the following: with the intent of committing a larceny or felony breaks or enters without consent a dwelling house or a room used as a sleeping apartment in any building with the

1 intent of committing a felony, and any person is in the actual occupation of any part of
2 the dwelling house or sleeping apartment at the time of the entry.

3 (b) Second degree burglary. – It is second degree burglary if a person does the
4 following: with the intent of committing a larceny or felony breaks or enters without
5 consent a dwelling house or sleeping apartment not actually occupied by anyone at the
6 time of the entry, or if the person enters any house within the curtilage of a dwelling
7 house or in any building not a dwelling house, but in which is a room used as a sleeping
8 apartment and not actually occupied as such at the time of the entry.

9 (c) Definition. – For the purposes of defining the crime of burglary, larceny shall
10 be deemed a felony without regard to the value of the property in question."

11 Section 2. This act becomes effective December 1, 1997, and applies to
12 offenses committed on or after that date.