

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1007

Short Title: Shoplifting Prior Convictions.

(Public)

Sponsors: Representatives B. Ethridge; and Bowman.

Referred to: Judiciary.

April 4, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT FOR THE PURPOSE OF DETERMINING
2 PUNISHMENT FOR SHOPLIFTING OFFENSES, PRIOR CONVICTIONS OF
3 LARCENY, RECEIVING STOLEN GOODS, AND POSSESSION OF STOLEN
4 GOODS SHALL BE CONSIDERED CONVICTIONS OF SHOPLIFTING.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 14-72.1(e) reads as rewritten:

8 "(e) Punishment. – For a first conviction under subsections (a) or (d), or for a
9 subsequent conviction for which the punishment is not specified by this subsection, the
10 defendant may be fined up to one hundred dollars (\$100.00) and must be sentenced to a
11 term of imprisonment that includes a minimum term of not less than 24 hours and a
12 maximum term of not more than 60 days. The term of imprisonment may be suspended
13 only on condition that the defendant perform community service for a term of at least 24
14 hours. For a second offense committed within three years after the date the defendant
15 was convicted of an offense under this section, the defendant may be fined up to five
16 hundred dollars (\$500.00) and must be sentenced to a term of imprisonment that
17 includes a minimum term of not less than 72 hours and a maximum term of not more
18 than six months. The term of imprisonment may be suspended only on condition that
19 the defendant be imprisoned for a term of at least 72 hours as a condition of special
20 probation, perform community service for a term of at least 72 hours, or both. For a
21 third or subsequent offense committed within five years after the date the defendant was
22 convicted of two other offenses under this section, the defendant may be fined and must
23 be sentenced to a term of imprisonment that includes a minimum term of not less than
24 14 days and a maximum term of not more than two years. The term of imprisonment

1 may be suspended only if a condition of special probation is imposed to require the
2 defendant to serve a term of imprisonment of at least 14 days. However, if the
3 sentencing judge finds that the defendant is unable, by reason of mental or physical
4 infirmity, to perform the service required under this section, and the reasons for such
5 findings are set forth in the judgment, he may pronounce such other sentence as he finds
6 appropriate. For the purpose of this subsection, a prior conviction of larceny, receiving
7 stolen goods, or possessing stolen goods shall be considered a prior conviction under
8 this section."

9 ♦ Sec. 2. This act shall become effective October 1, 1989, and applies to
10 offenses occurring on or after that date.