

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 305
Second Edition Engrossed 4/19/91

Short Title: Amend Armed Robbery.

(Public)

Sponsors: Representative Balmer.

Referred to: Judiciary II.

March 25, 1991

A BILL TO BE ENTITLED

AN ACT TO REVISE THE ESSENTIAL ELEMENTS REQUIRED TO PROVE
ARMED ROBBERY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-87 reads as rewritten:

"§ 14-87. **Robbery with firearms or apparent firearms or other dangerous weapons.**

(a) Any person or persons who, having in possession or with the use or threatened use of any firearms or any apparent firearms or other dangerous weapon, implement or means, whereby ~~the life of a person is endangered or threatened,~~ a reasonable person under the circumstances would believe that his life was endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime, shall be guilty of a Class D felony. For purposes of this section the phrase 'apparent firearms' shall include any article that a reasonable person would believe to be a firearm.

(d) Notwithstanding any other provision of law, with the exception of persons sentenced as committed youthful offenders, a person convicted of robbery with firearms or any apparent firearms or other dangerous weapons shall serve a term of not less than seven years in prison, excluding gain time granted under G.S. 148-13. A person convicted of robbery with firearms or apparent firearms or other dangerous weapons shall receive a sentence of at least 14 years in the State's prison and shall be entitled to

1 credit for good behavior under G.S. 15A-1340.7. The sentencing judge may not suspend
2 the sentence and may not place the person sentenced on probation. Sentences imposed
3 pursuant to this section shall run consecutively with and shall commence at the
4 expiration of any sentence being served by the person sentenced hereunder."

5 Sec. 2. This act becomes effective October 1, 1991, and applies to offenses
6 occurring on or after that date.