

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 187

Short Title: Amend Burglary Laws.

(Public)

Sponsors: Representatives Hunt; Bowman and Hill.

Referred to: Judiciary III.

February 14, 1994

1 A BILL TO BE ENTITLED
2 AN ACT TO REDEFINE THE OFFENSES OF FIRST AND SECOND DEGREE
3 BURGLARY.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 14 of Chapter 14 of the General Statutes is amended by
6 adding the following new sections to read:

7 "**§ 14-51.1. Definitions.**

8 The following definitions apply to G.S. 14-51.2 and G.S. 14-51.3:

- 9 (1) Building. – Any structure or part of a structure, other than a
10 conveyance, enclosed so as to permit reasonable entry only through a
11 door and roofed to protect it from the elements.
- 12 (2) Dangerous weapon. – A firearm, a knife or other instrument with a
13 point or sharp edge subject to ready use as a weapon, a destructive
14 device, or an object or substance designed, altered, used, or possessed
15 for the purpose of inflicting or threatening to inflict serious bodily
16 injury. A closed pocket knife that is neither displayed nor used is not a
17 dangerous weapon.
- 18 (3) Dwelling. – A building being used as an individual's home, a room
19 regularly being used for sleeping in a building other than a home, or a
20 conveyance designed and being used for the overnight lodging of
21 people.
- 22 (4) Serious bodily injury. – Bodily injury that creates a substantial risk of
23 death or that causes serious permanent disfigurement, a coma, a
24 permanent or protracted condition that causes extreme pain, or a

1 permanent or protracted loss or impairment of the function of any
2 bodily member or organ.

3 **"§ 14-51.2. First degree burglary.**

4 (a) Offense. – A person commits the offense of first degree burglary if, without
5 consent and with the intent to commit any felony or larceny, the person breaks and
6 enters during the day or at night into the dwelling of another while the dwelling is
7 actually occupied.

8 (b) Punishment. – A violation of this section is a Class C felony.

9 **"§ 14-51.3. Second degree burglary.**

10 (a) Offense. – A person commits the offense of second degree burglary if,
11 without consent and with the intent to commit any felony or larceny, the person does
12 both of the following:

13 (1) Breaks and enters during the day or at night into the unoccupied
14 dwelling of another or into any occupied or unoccupied building
15 within the curtilage of the dwelling; and

16 (2) Is armed with a dangerous weapon at the time of the breaking and
17 entering or steals a dangerous weapon during the breaking and
18 entering.

19 (b) Punishment. – A violation of this section is a Class D felony. "

20 Sec. 2. The following statutes are repealed: G.S. 14-51 and G.S. 14-52.

21 Sec. 3. This act becomes effective July 1, 1995, and applies to offenses
22 committed on or after that date. Prosecutions for offenses committed before the
23 effective date of this act are not abated or affected by this act, and the statutes that
24 would be applicable but for this act remain applicable to those prosecutions.