

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 81

Short Title: Carjacking.

(Public)

Sponsors: Representatives Cole; Bowman, Church, Culp, Gottovi, Hill, Lemmond, McLawhorn, Mitchell, and Wood.

Referred to: Judiciary III.

February 11, 1994

1 A BILL TO BE ENTITLED
2 AN ACT MAKING CARJACKING A CRIME IN NORTH CAROLINA.
3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 14 of the General Statutes is amended by adding a new
5 section to read:

6 "**§ 14-87.2. Carjacking.**

7 (a) A person who forcefully takes or attempts to take a vehicle occupied by a
8 driver or another person without the driver's or occupant's consent is guilty of
9 carjacking, a Class D felony.

10 (b) Notwithstanding any other provision of law, the Division of Motor Vehicles
11 shall immediately suspend, without preliminary hearing, the drivers license of a suspect
12 arrested for a violation of subsection (a) of this section. The suspension pursuant to this
13 subsection shall be until the disposition of the charge either by dismissal, acquittal, or
14 conviction.

15 (c) Upon conviction for violation of subsection (a) of this section, the defendant's
16 drivers license shall be revoked for a period of not less than eight calendar years, with
17 no restoration until the full length of the revocation has been completed.

18 (d) Notwithstanding any other provision of law, a person convicted of carjacking
19 shall serve a term of not less than 15 years in prison."

20 Sec. 2. G.S. 14-87.2, as enacted by Section 1 of this act, reads as rewritten:

21 "**§ 14-87.2. Carjacking.**

1 (a) A person who forcefully takes or attempts to take a vehicle occupied by a
2 driver or another person without the driver's or occupant's consent is guilty of
3 carjacking, a ~~Class D~~ Class C felony.

4 (b) Notwithstanding any other provision of law, the Division of Motor Vehicles
5 shall immediately suspend, without preliminary hearing, the drivers license of a suspect
6 arrested for a violation of subsection (a) of this section. The suspension pursuant to this
7 subsection shall be until the disposition of the charge either by dismissal, acquittal, or
8 conviction.

9 (c) Upon conviction for violation of subsection (a) of this section, the defendant's
10 drivers license shall be revoked for a period of not less than eight calendar years, with
11 no restoration until the full length of the revocation has been completed.

12 ~~(d) Notwithstanding any other provision of law, a person convicted of carjacking
13 shall serve a term of not less than fifteen years in prison."~~

14 Sec. 3. (a) Section 1 of this act becomes effective April 1, 1994, and applies
15 to all acts occurring on or after that date.

16 (b) Section 2 of this act becomes effective on the same date that Section 56 of
17 Chapter 538 of the 1993 Session Laws provides that that act becomes effective, except
18 if that act provides a different date that that act becomes effective for Class D felonies,
19 Section 2 of this act becomes effective on the date that act applies to Class D felonies
20 and in any case applies to all acts occurring on or after that date. Prosecutions for, or
21 sentences based on, offenses occurring before the effective date of the repeal of G.S. 14-
22 87.2(d) by Section 2 of this act are not abated or affected by the repeal, and G.S. 14-
23 87.2(d) remains applicable to those prosecutions or sentences.