

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE BILL 42

Short Title: Burglary & B&E/Sentence Enhancement. (Public)

Sponsors: Representatives Balkcom, Carson Smith, Miller, and Pyrtle (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

February 5, 2025

A BILL TO BE ENTITLED

AN ACT TO REVISE THE OFFENSES OF FIRST AND SECOND DEGREE BURGLARY  
AND TO ENHANCE THE PUNISHMENT IMPOSED FOR CERTAIN BURGLARY AND  
BREAKING OR ENTERING OFFENSES COMMITTED BY A PERSON IN  
POSSESSION OF A FIREARM OR OTHER DEADLY WEAPON.

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.~~

(a) Burglary in the First Degree. – Any person who shall break and enter the dwelling house or room used as a sleeping apartment of another with the intent to commit any felony or larceny therein 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.

(b) Burglary in the Second Degree. – Any person who shall break and enter the dwelling house or room used as a sleeping apartment of another with the intent to commit any felony or larceny therein and the property was not actually occupied as such at the time of the commission of the crime, it shall be burglary in the second degree.

(c) Definition. – 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."

**SECTION 2.** G.S. 14-52 reads as rewritten:

"§ 14-52. **Punishment for burglary.**

(a) Punishment. – Burglary in the first degree shall be punishable as a Class D felony, and burglary in the second degree shall be punishable as a Class G felony.

(b) Enhancement. – If a person possessed a firearm or other deadly weapon about his or her person during the commission of an offense under G.S. 14-51, in addition to any other sentence enhancement required by law, the person shall be sentenced at a felony class level one



1 class higher than the principal felony for which the person was convicted. An indictment or  
2 information for the felony shall allege in that indictment or information the facts that qualify the  
3 offense for an enhancement under this subsection. One pleading is sufficient for all felonies that  
4 are tried at a single trial."

5 **SECTION 3.** G.S. 14-53 reads as rewritten:

6 "**§ 14-53. Breaking out of dwelling house burglary.**

7 (a) Offense and Punishment. – If any person shall enter the dwelling house of another  
8 with intent to commit any felony or larceny therein, or being in such dwelling house, shall commit  
9 any felony or larceny therein, and shall, in either case, break out of such dwelling house in the  
10 nighttime, such person shall be punished as a Class D felon.

11 (b) Enhancement. – If a person possessed a firearm or other deadly weapon about his or  
12 her person during the commission of an offense under subsection (a) of this section, in addition  
13 to any other sentence enhancement required by law, the person shall be sentenced at a felony  
14 class level one class higher than the principal felony for which the person was convicted. An  
15 indictment or information for the felony shall allege in that indictment or information the facts  
16 that qualify the offense for an enhancement under this subsection. One pleading is sufficient for  
17 all felonies that are tried at a single trial."

18 **SECTION 4.** G.S. 14-54 reads as rewritten:

19 "**§ 14-54. Breaking or entering buildings generally.**

20 (a) Offense with Intent to Commit Felony or Larceny; Punishment. – Any person who  
21 breaks or enters any building with intent to commit any felony or larceny therein shall be  
22 punished as a Class H felon.

23 (a1) Offense with Intent to Terrorize or Injure; Punishment. – Any person who breaks or  
24 enters any building with intent to terrorize or injure an occupant of the building is guilty of a  
25 Class H felony.

26 (b) Offense Generally; Punishment. – Any person who wrongfully breaks or enters any  
27 building is guilty of a Class 1 misdemeanor.

28 (b1) Enhancement. – If a person possessed a firearm or other deadly weapon about his or  
29 her person during the commission of an offense under this section, in addition to any other  
30 sentence enhancement required by law, the person shall be sentenced at a class level one class  
31 higher than the principal offense for which the person was convicted. An indictment or  
32 information for the offense shall allege in that indictment or information the facts that qualify the  
33 offense for an enhancement under this subsection. One pleading is sufficient for all offenses that  
34 are tried at a single trial.

35 (c) Definition. – As used in this section, "building" shall be construed to include any  
36 dwelling, dwelling house, uninhabited house, building under construction, building within the  
37 curtilage of a dwelling house, and any other structure designed to house or secure within it any  
38 activity or property."

39 **SECTION 5.** This act becomes effective December 1, 2025, and applies to offenses  
40 committed on or after that date.