

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 809  
SENATE BILL 751

AN ACT TO CREATE A RIGHT OF ACTION FOR RECOVERY OF ACTUAL AND  
PUNITIVE DAMAGES BY MERE POSSESSION OF PROPERTY FROM THIEVES,  
FENCES AND BUYERS OF STOLEN MERCHANDISE.

The General Assembly of North Carolina enacts:

**Section 1.** Notwithstanding any other provisions of the General Statutes of North Carolina, when personal property is wrongfully taken and carried away from the owner or person in lawful possession of such property without his consent and with the intent to permanently deprive him of the use, possession and enjoyment of said property, a right of action arises for recovery of actual and punitive damages from any person who has, or has had, possession of said property knowing the property to be stolen.

An agent having possession, actual or constructive, of property lawfully owned by his principal, shall have a right of action in behalf of his principal for any unlawful interference with that possession by a third person.

In cases of bailments where the possession is in the bailee, a trespass committed during the existence of the bailment shall give a right of action to the bailee for the interference with his special property and a concurrent right of action to the bailor for the interference with his general property.

Any abuse of, or damage done to, the personal property of another or one who is in possession thereof, unlawfully, is a trespass for which damages may be recovered.

**Sec. 2.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1973.