

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 987

Short Title: Criminal Enterprises.

(Public)

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Sponsors: Senator Rand.

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Referred to: Judiciary II/Election Laws

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May 4, 1995

A BILL TO BE ENTITLED

1 AN ACT TO CREATE THE FELONY OFFENSE OF CONTINUING CRIMINAL  
2 ENTERPRISE WITH REGARD TO CRIMINAL OFFENSES THAT ARE NOT  
3 DRUG OFFENSES, TO CREATE THE FELONY STATUS OFFENSE OF  
4 HABITUAL THIEF, AND TO PROVIDE THAT FAILURE OF AN ITINERANT  
5 MERCHANT TO KEEP A RECEIPT OR INVOICE WITH CERTAIN  
6 INFORMATION INDICATING THE SOURCE OF THE MERCHANT'S  
7 PRODUCTS AND TO SHOW THE RECEIPT OR INVOICE TO A LAW  
8 ENFORCEMENT OFFICER UPON REQUEST IS PRIMA FACIE EVIDENCE  
9 THAT THE PRODUCTS ARE STOLEN.  
10

11 The General Assembly of North Carolina enacts:

12 Section 1. Chapter 14 of the General Statutes is amended by adding a new  
13 Article to read:

14 **"ARTICLE 2C.**

15 **"CONTINUING CRIMINAL ENTERPRISE.**

16 **"§ 14-7.20. Continuing criminal enterprise.**

17 (a) Any person who engages in a continuing criminal enterprise shall be punished  
18 as a Class H felon and in addition shall be subject to the forfeiture prescribed in  
19 subsection (b) of this section.



1 the merchant offers for sale. The record ~~may~~must be a receipt or an invoice from the  
2 person who sold the merchandise to the ~~merchant or any other documentation that establishes~~  
3 ~~the source of the merchandise.~~ merchant. The invoice or receipt must specifically identify  
4 the product being sold by product name, size, expiration date, if applicable, and quantity  
5 purchased and must contain the complete business name, business description, and retail  
6 sales and use tax registration number, if any, of the seller. If the seller was an individual,  
7 the receipt or invoice must contain the seller's drivers license number, its state of issuance  
8 and expiration date, and the seller's date of birth. The merchant must verify this  
9 information by comparing the seller's drivers license to the invoice or receipt and signing  
10 the invoice or receipt.

11 The merchant shall keep the record with the new merchandise being offered for sale  
12 and shall maintain the record for a period of three years after the merchandise is sold.  
13 Upon the request of a law enforcement agent, the merchant shall produce the record of  
14 the source of new merchandise the merchant offers for sale. ~~If the merchant fails—~~A  
15 merchant's failure to produce the requested record and at the time of request by a law  
16 enforcement agent has probable cause to believe the merchant's possession of the merchandise  
17 is unlawful, is prima facie evidence of possession of stolen property; in such a case the  
18 agent may take the merchandise into custody as evidence. Merchandise impounded under  
19 this subsection must be disposed of in accordance with G.S. 15-11.1."

20 Sec. 4. This act becomes effective December 1, 1995, and applies to offenses  
21 committed on or after that date. Section 3 of this act also applies only to merchandise  
22 acquired on or after that date.