

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH70114-LH-76 (02/22)

Short Title: Habitual Misdemeanor Larceny/Felony. (Public)

Sponsors: Representative Moore.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE THE OFFENSE OF HABITUAL MISDEMEANOR  
LARCENY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 16 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-86.2. Habitual misdemeanor larceny.**

(a) The following definitions apply in this section:

(1) 'Convicted' means the person has been adjudged guilty of or has entered a plea of guilty or no contest to the misdemeanor larceny charge, and judgment has been entered thereon when the action occurred.

(2) 'Misdemeanor larceny' includes the following offenses:

a. Misdemeanor larceny pursuant to G.S. 14-72(a).

b. Any repealed or superseded offense substantially equivalent to misdemeanor larceny under G.S. 14-72(a).

c. Any offense committed in another jurisdiction substantially similar to misdemeanor larceny under G.S. 14-72(a).

(b) A person commits the offense of habitual misdemeanor larceny if that person is 18 years of age or older, commits misdemeanor larceny under G.S. 14-72(a), and has been convicted of five or more prior misdemeanor larceny convictions. A person convicted of violating this section is guilty of a Class H felony.

(c) For purposes of this section, if an offender is convicted of more than one offense of misdemeanor larceny in a single session of district court, or in a single week of superior court or of a court in another jurisdiction, only one of the convictions may be used to establish the offense of habitual misdemeanor larceny.

- 1       (d) A violation of this section shall not constitute commission of a felony for  
2 purposes of G.S. 14-7.6."  
3               **SECTION 2.** This act becomes effective December 1, 2005, and applies to  
4 offenses committed on or after that date.