GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023

H.B. 590 Apr 6, 2023 HOUSE PRINCIPAL CLERK

D

H
HOUSE BILL DRH30231-ML-99A

Short Title: Increase Punishment for Cargo Theft. (Public)

Sponsors: Representative Carson Smith.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE OFFENSE OF BREAKING OR ENTERING INTO OR BREAKING OUT OF RAILROAD CARS, MOTOR VEHICLES, TRAILERS, AIRCRAFT, BOATS, OR OTHER WATERCRAFT.

The General Assembly of North Carolina enacts:

1 2

3

4

5

6

7

8

9

10 11

12

13

14

15

16

17

18

19

20

21

2223

2425

2627

28

29

30 31

32 33

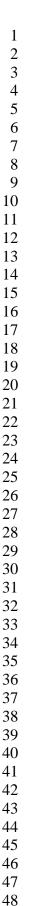
34

35

SECTION 1. G.S. 14-56 reads as rewritten:

- "§ 14-56. Breaking or entering into or breaking out of railroad cars, motor vehicles, trailers, aircraft, boats, or other watercraft.
- (a) If It is unlawful for any person, with the intent to commit any felony or larceny therein, breaks or enters to break or enter any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind, containing any goods, wares, freight, or other thing of value, or, after having committed any felony or larceny therein, breaks break out of any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind containing any goods, wares, freight, or other thing of value, that person is guilty of a Class I felony. value. It is prima facie evidence that a person entered in violation of this section if he the person is found unlawfully in such a railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft.
- (a1) If any person violates subsection (a) of this section, that person is guilty of a Class H felony if both of the following conditions are met:
 - (1) The railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States.
 - (2) The person knows or reasonably should know that the railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States.
 - (a2) The following classifications apply to an offense under subsection (a) of this section:
 - (1) An offense is a Class H felony if the goods, wares, freight, or other thing of value taken has a value exceeding one thousand five hundred dollars (\$1,500), but no more than twenty thousand dollars (\$20,000), aggregated over a 90-day period, or if all of the following conditions are met:
 - a. The railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States.





- b. The person knows or reasonably should know that the railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States.
- c. The offense does not involve the taking of goods, wares, freight, or any other thing of value that would be punishable under subdivision (2), (3), or (4) of this subsection.
- (2) An offense is a Class G felony if the goods, wares, freight, or other thing of value taken has a value exceeding twenty thousand dollars (\$20,000), but no more than fifty thousand dollars (\$50,000), aggregated over a 90-day period.
- (3) An offense is a Class F felony if the goods, wares, freight, or other thing of value taken has a value exceeding fifty thousand dollars (\$50,000), but no more than one hundred thousand dollars (\$100,000), aggregated over a 90-day period.
- (4) An offense is a Class C felony if the goods, wares, freight, or other thing of value taken has a value exceeding one hundred thousand dollars (\$100,000) aggregated over a 90-day period.
- (5) An offense is a Class I felony for any other offense under subsection (a) of this section that is not otherwise covered under subdivisions (1) through (4) of this subsection.
- (b) It shall not be a violation of this section for any person to break or enter any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind to provide assistance to a person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind if one or more of the following circumstances exist:
 - (1) The person acts in good faith to access the person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind in order to provide first aid or emergency health care treatment or because the person inside is, or is in imminent danger of becoming unconscious, ill, or injured.
 - (2) It is reasonably apparent that the circumstances require prompt decisions and actions in medical, other health care, or other assistance for the person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind.
 - (3) The necessity of immediate health care treatment or removal of the person from the railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is so reasonably apparent that any delay in the rendering of treatment or removal would seriously worsen the physical condition or endanger the life of the person.
- (c) Acts occurring in more than one county that would constitute a violation of subsection (a) of this section and involve the taking of goods, wares, freight, or any other thing of value may be aggregated into an alleged violation of subsection (a) of this section. Each county where a part of the charged offense occurs has concurrent venue as described in G.S. 15A-132."

SECTION 2. G.S. 14-86.1(a) reads as rewritten:

"(a) All conveyances, including vehicles, watercraft, or aircraft, used to unlawfully conceal, convey, or transport property in violation of G.S. 14-71, 14-71.1, or 14-71.2, used by any person in the commission of armed or common-law robbery, used in violation of G.S. 14-72.7, used by any person in the commission of any larceny when the value of the property taken is more than two thousand dollars (\$2,000), used by any person in the commission of an offense under G.S. 14-56, or used by any person in the commission of organized retail theft in violation of G.S. 14-86.6 shall be subject to forfeiture as provided herein, except that:

...."

49

50

Page 2 DRH30231-ML-99A

SECTION 3. This act becomes effective December 1, 2023, and applies to offenses committed on or after that date.

DRH30231-ML-99A Page 3