



SENATE BILL 164:

Theft of Temporary Housing During Emergency.

2025-2026 General Assembly

Committee: Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate **Date:** May 6, 2025

Introduced by: Sens. Alexander, Moffitt, Settle

Analysis of: First Edition

Prepared by: Michael Johnston
Committee Counsel

OVERVIEW: *Senate Bill 164 would make it a Class F felony for any person to unlawfully enter the premises of another person in an emergency area during a state of emergency and take or damage the person's temporary housing.*

CURRENT LAW: Article 36A of Chapter 14 of the General Statutes governs the criminal penalties associated with riots, civil disorders, and emergencies. Specifically, G.S. 14-288.6(a) establishes the crime of trespass during an emergency, making it a Class 1 misdemeanor to unlawfully enter upon the premises of another person when the usual security of property is not effective due to one of the listed emergencies or disasters. G.S. 14-288.6(b) provides that it is a Class H felony to commit the offense of trespass during an emergency and unlawfully take or damage the property of another person. Additionally, any person whose person or property is injured due to a violation of G.S. 14-288.6 may sue the violator for three times the actual damages sustained, as well as court costs and attorneys' fees.

BILL ANALYSIS: Senate Bill 164 would make it a Class F felony for any person to (i) unlawfully enter the premises of another person in a county located in an emergency area during a state of emergency and (ii) unlawfully take or damage the person's temporary housing.

The term "emergency area" would be defined to mean the geographical area covered by a state of emergency, and the term "state of emergency" would be defined to mean a declaration of emergency by the Governor, the General Assembly, or the governing body of a municipality or county. The term "temporary housing" would include:

- Any structure being used for human shelter which is designed to be transportable and is not attached to the ground, another structure, or a utility system.
- A vehicle being used as temporary living quarters.
- Any equipment used to transport or deliver a temporary living structure or vehicle.
- Any item attached or intended to be attached to a temporary living structure or vehicle that provides air conditioning, heating, or a source of power.

EFFECTIVE DATE: This bill would become effective December 1, 2025, and would apply to offenses committed on or after that date.

Kara McCraw
Director



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Legislative Analysis
Division
919-733-2578