

# GENERAL ASSEMBLY OF NORTH CAROLINA

## SESSION 2025

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## SENATE BILL 164

Judiciary Committee Substitute Adopted 5/6/25

House Committee Substitute Favorable 6/3/25

Short Title: Theft of Temporary Housing During Emergency.

(Public)

## Sponsors:

Referred to:

February 26, 2025

A BILL TO BE ENTITLED

AN ACT TO SPECIFY THE PUNISHMENT FOR LOOTING ANOTHER PERSON'S TEMPORARY HOUSING IN AN EMERGENCY AREA DURING A DECLARED STATE OF EMERGENCY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-288.1 reads as rewritten:

## "§ 14-288.1. Definitions.

Unless the context clearly requires otherwise, the following definitions apply in this Article:

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(3) Declared state of emergency. – A state of emergency as that term is defined in G.S. 166A-19.3 or a state of emergency found and declared by any chief executive official or acting chief executive official of any county or municipality acting under the authority of any other applicable statute or provision of the common law to preserve the public peace in a state of emergency, or by any executive official or military commanding officer of the United States or the State of North Carolina who becomes primarily responsible under applicable law for the preservation of the public peace within any part of North Carolina.

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(4a) Emergency. – As defined in G.S. 166A-19.3.

(4b) Emergency area. – The geographical area covered by a declared state of emergency.

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(11) Temporary housing. – Any of the following:

a. A tent, trailer, mobile home, or any other structure being used for human shelter which is designed to be transportable and is not permanently attached to the ground, to another structure, or to any utility system on the same premises.

b. A vehicle being used as temporary living quarters.

c. Any equipment used to transport or deliver a structure described in sub-subdivision a. or b. of this subdivision.

d. Any item attached, affixed, or connected to, or intended to be attached, connected, or affixed to, a structure or vehicle described in sub-subdivision a. or b. of this subdivision to provide air conditioning, heating, or a source of power for the structure or vehicle."



1           **SECTION 2.** G.S. 14-288.6 reads as rewritten:

2           **"§ 14-288.6. Looting; trespass during emergency.**

3           (a) Any person who enters upon the premises of another without legal justification in an  
4 emergency area during a declared state of emergency when the usual security of property is not  
5 effective due to the occurrence or aftermath of ~~riot, insurrection, invasion, storm, fire, explosion,~~  
6 ~~flood, collapse, or other disaster or calamity~~ the emergency that prompted the declared state of  
7 emergency is guilty of a Class 1 misdemeanor of trespass during an emergency.

8           (b) Any person who commits the crime of trespass during emergency under subsection  
9 (a) of this section and, without legal justification, obtains or exerts control over, damages,  
10 ransacks, or destroys the property of another is guilty of the felony of ~~looting and shall be~~  
11 ~~punished as a Class H felon~~looting. A violation of this subsection is punishable as follows:

12           (1) If the looted property is temporary housing or is taken from temporary  
13 housing, a violation of this subsection is punishable as a Class F felony.

14           (2) If the looted property is anything other than property described in subdivision  
15 (1) of this subsection, a violation of this subsection is punishable as a Class H  
16 felony.

17           (c) Any person whose person or property is injured by reason of a violation of this section  
18 may sue for and recover from the violator three times the actual damages sustained, as well as  
19 court costs and attorneys' fees."

20           **SECTION 3.** This act becomes effective December 1, 2025, and applies to offenses  
21 committed on or after that date.