



# HOUSE BILL 225: Attempted Robbery is Lesser Included.

2017-2018 General Assembly

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<b>Committee:</b>	House Judiciary II	<b>Date:</b>	March 28, 2017
<b>Introduced by:</b>	Reps. Rogers, Duane Hall, Destin Hall, John	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to First Edition		Committee Counsel
	H225-CSSA-6		

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 225 would clarify that attempted robbery with a dangerous weapon is a lesser included offense of robbery with a dangerous weapon.*

**BILL ANALYSIS:** The PCS for House Bill 225 would clarify that attempted robbery with a dangerous weapon is a lesser included offense of robbery with a dangerous weapon, and that if the evidence would support a conviction of robbery with a dangerous weapon, it will also support a conviction of attempted robbery with a dangerous weapon.

**EFFECTIVE DATE:** This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.

**BACKGROUND:** This First Edition of this bill is a recommendation of The Courts Commission.

The North Carolina Court of Appeals ruled in State v. McCoy, 207 N.C. App. 378 (2010) (unpublished) that attempted robbery with a dangerous weapon was not a lesser included offense of robbery with a dangerous weapon. The result of the particular case was that charges of attempted robbery with a dangerous weapon were dismissed because it came out in trial that the defendant did take some item of value in the course of events, and, therefore, actually committed robbery with a dangerous weapon, which the defendant was not charged with.

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