



HOUSE BILL 225: Attempted Robbery is Lesser Included.

2017-2018 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 23, 2017
Introduced by:	Reps. Rogers, Duane Hall, Destin Hall, John	Prepared by:	Augustus D. Willis
Analysis of:	Second Edition		Committee Counsel

OVERVIEW: *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: 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The North Carolina Court of Appeals ruled in State v. McCoy, 207 N.C. App. 378 (2010) (unpublished) that attempted robbery with a dangerous weapon was not a lesser included offense of robbery with a dangerous weapon.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.

Staff Attorney Susan Sitze assisted substantially in the preparation of this bill summary.

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