



HOUSE BILL 225: Attempted Robbery is Lesser Included.

2017-2018 General Assembly

Committee:		Date:	August 16, 2017
Introduced by:		Prepared by:	Augustus D. Willis Staff Attorney
Analysis of:	S.L. 2017-31		

OVERVIEW: *S.L. 2017-31 clarifies that attempted robbery with a dangerous weapon is a lesser included offense of robbery with a dangerous weapon by explicitly stating that if evidence is sufficient to prove robbery with a dangerous weapon, it is also sufficient to support a conviction of attempted robbery with a dangerous weapon.*

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

BACKGROUND: The First Edition of this bill was 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The North Carolina Court of Appeals ruled in State v. McCoy, 207 N.C. App. 378 (2010) (unpublished) that attempted robbery with a dangerous weapon was not a lesser included offense of robbery with a dangerous weapon. In that case, the defendant was charged with attempted robbery with a dangerous weapon, but not robbery with a dangerous weapon. The defendant's charges of attempted robbery with a dangerous weapon were dismissed because the evidence at trial showed that the defendant actually took some item of value during the course of the events at issue, and, therefore, actually committed robbery with a dangerous weapon, which the defendant was not charged with.

Karen Cochrane-Brown
Director



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Legislative Analysis
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