



SENATE BILL 224: Include B/E With Intent to Terrorize in HB/E .

2017-2018 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 22, 2017
Introduced by:	Sens. J. Jackson, Britt, Lee	Prepared by:	Augustus D. Willis Committee Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 224 would add the offense of felony breaking or entering with intent to terrorize or injure to the list of offenses defined as "breaking and entering" for purposes of habitual breaking and entering.

CURRENT LAW: Article 2D of Chapter 14 creates a habitual breaking and entering status offense. For purposes of the Article, the term "breaking and entering" is defined as any of the following felony offenses:

- First degree burglary (G.S. 14-51).
- Second degree burglary (G.S. 14-51).
- Breaking out of dwelling house burglary (G.S. 14-53).
- Breaking or entering of buildings generally (G.S. 14-54(a)).
- Breaking or entering a building that is a place of religious worship (G.S. 14-54.1).
- Any repealed or superseded offense substantially equivalent to any of the above offenses.
- Any offense committed in another jurisdiction substantially similar to any of the above offenses.

Generally, a person who has previously been convicted of or pled guilty to one or more of these above offenses may be charged with the status offense of habitual breaking and entering upon being charged with a subsequent felony breaking and entering offense. Upon conviction of the status offense, the defendant must be sentenced as a Class E felon.

BILL ANALYSIS: Senate Bill 224 would add G.S. 14-54(a1) (breaking or entering with intent to terrorize or injure an occupant of the building) to the above list of offenses that constitute felony breaking and entering for purposes of the habitual breaking and entering status offense. G.S. 14-54(a1) states that any person who breaks or enters any building with intent to terrorize or injure an occupant of the building is guilty of a Class H felony.

EFFECTIVE DATE: This act would become effective December 1, 2017 and apply to offenses committed on or after that date.

BACKGROUND: The offense of felony breaking or entering with intent to terrorize or injure was created in 2013 via Session Law 2013-95.

Karen Cochrane-Brown
Director



S 2 2 4 - S M T Y - 1 0 E 1 - V - 3

Legislative Analysis
Division
919-733-2578