



HOUSE BILL 212: Break or Enter Pharmacy/Increase Penalty.

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 13, 2019
Introduced by:	Reps. Sasser, C. Smith, Murphy, Horn	Prepared by:	Shawn Middlebrooks Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *The PCS to House Bill 212 would make it a criminal offense to break or enter into a pharmacy with the intent to commit a larceny of a controlled substance, or to receive or possess any controlled substance stolen from a pharmacy, and authorize the forfeiture of any interest a person obtains in violation of this section.*

CURRENT LAW AND ANALYSIS: A person who breaks or enters a building is guilty of a Class 1 misdemeanor (1 to 120 days incarceration). Any person who breaks or enters any building with the intent to commit a felony or *larceny*, or with the intent to terrorize or injure an occupant of the building, is guilty of a Class H felony (4 to 39 months incarceration). G.S. 14-54.

Receiving or possessing stolen goods while knowing or having reasonable grounds to believe the goods to be stolen in violation of G.S 14-54 is a Class H felony. G.S. 14-72.

All controlled substances, money, raw materials, products, and equipment acquired, used, or intended for use in violating the North Carolina Controlled Substances Act (Art. 5 of Chapter 90 of the General Statutes) shall be subject to forfeiture. Generally, property that is subject to forfeiture may be seized incident to a lawful search or arrest, as a result of a prior judgement for a criminal injunction or forfeiture, or upon process issued by a judge having jurisdiction over the property. Forfeited property is either *retained for official use* or *sold*. Proceeds from the sale of forfeited property are deposited with the treasurer or proper officer of the county authorized to receive fines and forfeitures to be used for the county's school fund. G.S. 90-112.

The PCS to House Bill 212 would:

- Make it a Class D felony (38 to 204 months incarceration) to break or enter into a pharmacy with the intent to commit a larceny of a controlled substance. A Class D felony punishment carries an active term of imprisonment.
- Make it a Class F felony (10 to 59 months incarceration) to receive or possess a controlled substance knowing or having reason to believe the controlled substance to be stolen from a pharmacy.
- Make any interest a person acquires or maintains in property obtained in violation of this section subject to forfeiture under G.S. 90-112.

EFFECTIVE DATE: This bill would be effective December 1, 2019 and would apply to offenses committee on or after that date.

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Director



Legislative Analysis
Division
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