



SENATE BILL 151: Break or Enter Pharmacy/Increase Penalty.

2019-2020 General Assembly

Committee:		Date:	December 9, 2019
Introduced by:		Prepared by:	Shawn Middlebrooks Staff Attorney
Analysis of:	S.L. 2019-40		

OVERVIEW: *S.L. 2019-40 makes it a Class E felony to break or enter into a pharmacy with the intent to commit a larceny of a controlled substance, a Class F felony to possess or receive a controlled substance stolen from a pharmacy, and authorizes the forfeiture of any interest in property that a person acquires or maintains from a violation of this act.*

This act became effective December 1, 2019, and applies to offenses committed on or after that date.

CURRENT LAW AND ANALYSIS: A person who breaks or enters a building is guilty of a Class 1 misdemeanor. A person who breaks or enters into 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. 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.

SECTION 1 of the act does the following:

- Makes it a Class E felony to break or enter into a pharmacy with the intent to commit a larceny of a controlled substance. A Class E felony punishment may include an active term of imprisonment.
- Makes it a Class F felony to receive or possess a controlled substance knowing or having reason to believe the controlled substance to be stolen from a pharmacy.
- Makes any interest in property a person acquires or maintains in violation of this act subject to forfeiture under G.S. 90-112.

EFFECTIVE DATE: This act became effective December 1, 2019, and applies to offenses committed on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
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