



# SENATE BILL 246: Property Owners Protection Act.

2023-2024 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	March 29, 2023
<b>Introduced by:</b>	Sens. Britt, Perry	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	Second Edition		Staff Attorney

**OVERVIEW:** Senate Bill 246 would modify the law of second degree trespass to include entering or remaining on the curtilage of a dwelling of another between the hours of midnight and 6:00 A.M.

**CURRENT LAW:** G.S. 14-159.13, second degree trespass, prohibits a person from entering or remaining on the premises of another when:

- The person has been notified by the owner or other authorized person to not enter or remain on the premises.
- The premises is posted with notice not to enter.

Second degree trespass is punished as a Class 3 misdemeanor.

**BILL ANALYSIS:** Senate Bill 246 would modify G.S. 14-159.13 by making entering or remaining in the following area a violation of second degree trespass:

- On the curtilage of a dwelling of another between the hours of midnight and 6:00 A.M.

The bill would make a violation of this new offense a Class 2 misdemeanor, but maintain the Class 3 misdemeanor punishment level for the already existing offenses.

**EFFECTIVE DATE:** This act becomes effective December 1, 2023, and applies to offenses committed on or after that date.

**BACKGROUND:** A "dwelling" is a structure regularly used by a person for sleeping.<sup>1</sup> A dwelling may be a house, an apartment, a hotel, or a motel. "Curtilage" is the area "directly and intimately connected with the [home] and in proximity" to it.<sup>2</sup> Curtilage is the area that "harbors the intimate activity associated with the sanctity of a man's home and the privacies of life."<sup>3</sup>

<sup>1</sup> State v. Foster, 129 N.C. 704 (1901).

<sup>2</sup> State v. Courtright, 60 N.C. App. 247 (1983).

<sup>3</sup> United States v. Dunn, 480 U.S. 294 (1987).

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