



SENATE BILL 246: Property Owners Protection Act.

2023-2024 General Assembly

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| Committee: | House Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | June 21, 2023 |
| Introduced by: | Sens. Britt, Perry | Prepared by: | Debbie Griffiths* Staff Attorney |
| Analysis of: | Second Edition | | |

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 would become effective December 1, 2023, and would apply to offenses committed on or after that date.

BACKGROUND: A "dwelling" is a structure regularly used by a person for sleeping.¹ 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.² Curtilage is the area that "harbors the intimate activity associated with the sanctity of a man's home and the privacies of life."³

*Robert Ryan, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.

¹ State v. Foster, 129 N.C. 704 (1901).

² State v. Courtright, 60 N.C. App. 247 (1983).

³ United States v. Dunn, 480 U.S. 294 (1987).

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