



# SENATE BILL 409: Increase Punishment for Cargo Theft.

2023-2024 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	April 19, 2023
<b>Introduced by:</b>	Sens. Britt, McInnis, Craven	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

**OVERVIEW:** Senate Bill 409 would modify the criminal law for breaking and entering a vehicle of any kind to increase the punishment depending on the value of the property taken from the vehicle.

As introduced, this bill was identical to H590, as introduced by Reps. Carson Smith, Reives, Miller, Pyrtle, which is currently in House Judiciary 2.

**CURRENT LAW:** G.S. 14-56(a) provides that breaking or entering into a railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind, with the intent to commit a felony or larceny, is a Class I felony. G.S. 14-56(a1) provides that if the vehicle broken into is owned by law enforcement, the National Guard, or the Armed Forces of the United States, and the offender knows that the vehicle belongs to one of these parties, then the violation will be punished as a Class H felony.

G.S. 14-86.1 provides that any conveyances used in the commission of certain crimes are subject to seizure and forfeiture by law enforcement.

**BILL ANALYSIS:** Senate Bill 409 would modify G.S. 14-56, to make the punishment for a violation of this law to increase with the value of the property taken from the vehicle. The new punishments for breaking or entering a railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind, with the intent to commit a felony or larceny would be the following:

- Class H felony →
  - If the value of goods stolen exceeds \$1,500, but is not more than \$20,000 or
  - If the vehicle is owned by law enforcement, the National Guard, or the Armed Forces of the United States, and the offender knows that the vehicle belongs to one of these parties.
- Class G felony → if the value of goods stolen exceeds \$20,000 but is not more than \$50,000.
- Class F felony → if the value of goods stolen exceeds \$50,000 but is not more than \$100,000.
- Class C felony → if the value of good stolen exceeds \$100,000.
- Class I felony → any other violation of G.S. 14-56 that is not covered by the above (for example, if the value of the goods stolen is \$1,500 or less).

The values of stolen property may be aggregated from multiples violations that occur within a 90-day period, and violations from multiple counties may be aggregated together and be prosecuted in any jurisdiction where at least one violation occurred.

Senate Bill 409 would also modify G.S. 14-86.1, to allow the seizure and forfeiture of any conveyance that is used in the commission of the crime of breaking and entering vehicles as described above.

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