



# HOUSE BILL 42: Burglary & B&E/Sentence Enhancement.

2025-2026 General Assembly

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<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	February 18, 2025
<b>Introduced by:</b>	Reps. Balkcom, Carson Smith, Miller, Pyrtle	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to First Edition H42-CSCV-1		Hannah Kendrick Staff Attorney

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) to House Bill 42 would do the following:*

- *Revise the offenses of first and second degree burglary and create an enhancement for burglary when committed by a person in possession of a firearm or other deadly weapon.*
- *Revise the offense of breaking out of a dwelling and create an enhancement when committed by a person in possession of a firearm or other deadly weapon.*
- *Create an enhancement for the offense of breaking or entering buildings generally when committed by a person in possession of a firearm or other deadly weapon.*

## CURRENT LAW:

G.S. 14-51 provides punishment for the common law offenses of burglary and defines first and second degree burglary. Common law burglary occurs when an offender enters a dwelling place at night with the intent to commit a felony therein. It is burglary in the first degree if any person occupies of any part of the dwelling house at the time of commission of the offense. It is burglary in the second degree if the dwelling house is not occupied.

## BILL ANALYSIS:

**Section 1** would remove the nighttime element from first and second degree burglary and more clearly state the two offenses.

**Section 2** would punish the offenses of first and second degree burglary at one felony class higher if a person possessed a firearm or other deadly weapon during the commission of the offense. This enhancement would apply in addition to any other sentencing enhancement required by law.

**Section 3** would remove the nighttime element from the offense of breaking out of a dwelling house. It would also provide for punishment at one felony class level higher if a person possessed a firearm or other deadly weapon during the commission of the offense. This enhancement would apply in addition to any other sentencing enhancement required by law.

**Section 4** would provide for punishment at one felony class level higher for breaking or entering into buildings generally if a person possessed a firearm or other deadly weapon during the commission of the offense. This enhancement would apply in addition to any other sentencing enhancement required by law.

**EFFECTIVE DATE:** This act would become effective December 1, 2025, and apply to offenses committed on or after that date.

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Legislative Analysis  
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