



**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

# SENATE BILL 164: Theft of Temporary Housing During Emergency.

2025-2026 General Assembly

<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 3, 2025
<b>Introduced by:</b>	Sens. Alexander, Moffitt, Settle	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to Second Edition S164-CSSA-25		Staff Attorney

**OVERVIEW:** *Senate Bill 164 would make it a Class F felony for any person to loot another person's temporary housing in an emergency area during a declared state of emergency.*

**CURRENT LAW:** G.S. 14-288.6(a) establishes the crime of trespass during an emergency, making it a Class 1 misdemeanor to unlawfully enter upon the premises of another person when the usual security of property is not effective due to one of the listed emergencies or disasters. G.S. 14-288.6(b) establishes the crime of looting, making it a Class H felony to commit the offense of trespass during an emergency and unlawfully take or damage the property of another person. Additionally, any person whose person or property is injured due to a violation of G.S. 14-288.6 can sue the violator for three times the actual damages sustained, as well as court costs and attorneys' fees.

**BILL ANALYSIS:** Senate Bill 164 would revise G.S. 14-288.6(a) such that the offense of trespass during an emergency would occur when a person unlawfully enters upon the premises of another person in an emergency area during a declared state of emergency when the usual security of property is not effective due to the occurrence or aftermath of the emergency that prompted the declared state of emergency.

Additionally, Senate Bill 164 would increase the penalty for looting temporary housing or property from temporary housing by providing that any person who commits the crime of trespass during an emergency under G.S. 14-288.6(a) and unlawfully takes or damages the temporary housing of another, or takes property from or damages property in temporary housing, would be guilty of looting and would be punished as a Class F felon. Looting property other than temporary housing or from temporary housing would remain punishable as a Class H felony.

The term "emergency area" would be defined to mean the geographical area covered by a state of emergency. The term "temporary housing" would include:

- Any structure being used for human shelter which is designed to be transportable and is not permanently attached to the ground, another structure, or a utility system.
- A vehicle being used as temporary living quarters.
- Any equipment used to transport or deliver a temporary living structure or vehicle.
- Any item attached or intended to be attached to a temporary living structure or vehicle that provides air conditioning, heating, or a source of power.

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

*\*Michael Johnston, Staff Attorney, substantially contributed to this summary.*

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