

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 48

Short Title: Increase Burglary & Arson Penalties.

(Public)

Sponsors: Senators Sands, Winner of Buncombe, Kaplan; Hoyle, Martin of Pitt, Albertson, Forrester, Cochran, Smith, Hartsell, Carpenter, Warren, and Codrington.

Referred to: Corrections/Punishment.

February 10, 1994

A BILL TO BE ENTITLED

AN ACT TO RAISE THE CLASSIFICATION OF ALL FELONIOUS ACTS OF BURGLARY AND FELONIOUS ACTS OF ARSON BY TWO CLASSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-52, as amended by Section 1151 of Chapter 539 of the 1993 Session Laws, reads as rewritten:

"§ 14-52. Punishment for burglary.

Burglary in the first degree shall be punishable as a Class ~~D~~B felony, and burglary in the second degree shall be punishable as a Class ~~G~~E felony."

Sec. 2. G.S. 14-53 reads as rewritten:

"§ 14-53. Breaking out of dwelling house burglary.

If any person shall enter the dwelling house of another with intent to commit any felony or larceny therein, or being in such dwelling house, shall commit any felony or larceny therein, and shall, in either case, break out of such dwelling house in the nighttime, such person shall be punished as a Class ~~D~~B felon."

Sec. 3. G.S. 14-54(a) reads as rewritten:

"(a) Any person who breaks or enters any building with intent to commit any felony or larceny therein shall be punished as a Class ~~H~~F felon."

Sec. 4. G.S. 14-55, as amended by Section 1152 of Chapter 539 of the 1993 Session Laws, reads as rewritten:

"§ 14-55. Preparation to commit burglary or other housebreakings.

If any person shall be found armed with any dangerous or offensive weapon, with the intent to break or enter a dwelling, or other building whatsoever, and to commit any

1 felony or larceny therein; or shall be found having in his possession, without lawful
2 excuse, any picklock, key, bit, or other implement of housebreaking; or shall be found
3 in any such building, with intent to commit any felony or larceny therein, such person
4 shall be punished as a Class ~~F~~G felon."

5 Sec. 5. G.S. 14-56 reads as rewritten:

6 **"§ 14-56. Breaking or entering into or breaking out of railroad cars, motor
7 vehicles, trailers, aircraft, boats, or other watercraft.**

8 If any person, with intent to commit any felony or larceny therein, breaks or enters
9 any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind,
10 containing any goods, wares, freight, or other thing of value, or, after having committed
11 any felony or larceny therein, breaks out of any railroad car, motor vehicle, trailer,
12 aircraft, boat, or other watercraft of any kind containing any goods, wares, freight, or
13 other thing of value, that person is guilty of a Class ~~F~~G felony. It is prima facie evidence
14 that a person entered in violation of this section if he is found unlawfully in such a
15 railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft."

16 Sec. 6. G.S. 14-57, as amended by Section 1155 of Chapter 539 of the 1993
17 Session Laws, reads as rewritten:

18 **"§ 14-57. Burglary with explosives.**

19 Any person who, with intent to commit any felony or larceny therein, breaks and
20 enters, either by day or by night, any building, whether inhabited or not, and opens or
21 attempts to open any vault, safe, or other secure place by use of nitroglycerine,
22 dynamite, gunpowder, or any other explosive, or acetylene torch, shall be deemed guilty
23 of burglary with explosives. Any person convicted under this section shall be punished
24 as a Class ~~D~~B felon."

25 Sec. 7. G.S. 14-58, as amended by Section 1156 of Chapter 539 of the 1993
26 Session Laws, reads as rewritten:

27 **"§ 14-58. Punishment for arson.**

28 There shall be two degrees of arson as defined at the common law. If the dwelling
29 burned was occupied at the time of the burning, the offense is arson in the first degree
30 and is punishable as a Class ~~D~~B felony. If the dwelling burned was unoccupied at the
31 time of the burning, the offense is arson in the second degree and is punishable as a
32 Class ~~G~~E felony."

33 Sec. 8. G.S. 14-59, as amended by Section 1157 of Chapter 539 of the 1993
34 Session Laws, reads as rewritten:

35 **"§ 14-59. Burning of certain public buildings.**

36 If any person shall wantonly and willfully set fire to or burn or cause to be burned or
37 aid, counsel or procure the burning of, the State Capitol, the Legislative Building, the
38 Justice Building or any building owned or occupied by the State or any of its agencies,
39 institutions or subdivisions or by any county, incorporated city or town or other
40 governmental or quasi-governmental entity, he shall be punished as a Class ~~F~~D felon."

41 Sec. 9. G.S. 14-60, as amended by Section 1158 of Chapter 539 of the 1993
42 Session Laws, reads as rewritten:

43 **"§ 14-60. Burning of schoolhouses or buildings of educational institutions.**

1 If any person shall wantonly and willfully set fire to or burn or cause to be burned or
2 aid, counsel or procure the burning of, any schoolhouse or building owned, leased or
3 used by any public or private school, college or educational institution, he shall be
4 punished as a Class ~~F~~D felon."

5 Sec. 10. G.S. 14-61, as amended by Section 1159 of Chapter 539 of the 1993
6 Session Laws, reads as rewritten:

7 **"§ 14-61. Burning of certain bridges and buildings.**

8 If any person shall wantonly and willfully set fire to or burn or cause to be burned,
9 or aid, counsel or procure the burning of, any public bridge, or private toll bridge, or the
10 bridge of any incorporated company, or any fire-engine house or rescue-squad building,
11 or any house belonging to an incorporated company or unincorporated association and
12 used in the business of such company or association, he shall be punished as a Class ~~F~~D
13 felon."

14 Sec. 11. G.S. 14-62, as amended by Section 1160 of Chapter 539 of the 1993
15 Session Laws, reads as rewritten:

16 **"§ 14-62. Burning of churches and certain other buildings.**

17 If any person shall wantonly and willfully set fire to or burn or cause to be burned,
18 or aid, counsel or procure the burning of, any uninhabited house, any church, chapel or
19 meetinghouse, or any stable, coach house, outhouse, warehouse, office, shop, mill, barn
20 or granary, or any building, structure or erection used or intended to be used in carrying
21 on any trade or manufacture, or any branch thereof, whether the same or any of them
22 respectively shall then be in the possession of the offender, or in the possession of any
23 other person, he shall be punished as a Class ~~F~~D felon."

24 Sec. 12. G.S. 14-62.1, as amended by Section 1161 of Chapter 539 of the
25 1993 Session Laws, reads as rewritten:

26 **"§ 14-62.1. Burning of building or structure in process of construction.**

27 If any person shall wantonly and willfully set fire to or burn or cause to be burned,
28 or aid, counsel or procure the burning of, any building or structure in the process of
29 construction for use or intended to be used as a dwelling house or in carrying on any
30 trade or manufacture, or otherwise, whether the same or any of them respectively shall
31 then be in the possession of the offender, or in the possession of any other person, he
32 shall be punished as a Class ~~H~~F felon."

33 Sec. 13. G.S. 14-63 reads as rewritten:

34 **"§ 14-63. Burning of boats and barges.**

35 If any person shall wantonly and willfully set fire to or burn or cause to be burned or
36 aid, counsel or procure the burning of, any boat, barge, ferry or float, without the
37 consent of the owner thereof, he shall be punished as a Class ~~H~~F felon. In the event the
38 consent of the owner is given for an unlawful or fraudulent purpose, however, the
39 penalty provisions of this section shall remain in full force and effect."

40 Sec. 14. G.S. 14-64 reads as rewritten:

41 **"§ 14-64. Burning of ginhouses and tobacco houses.**

42 If any person shall wantonly and willfully set fire to or burn or cause to be burned,
43 or aid, counsel or procure the burning of, any ginhouse or tobacco house, or any part
44 thereof, he shall be punished as a Class ~~H~~F felon."

1 Sec. 15. G.S. 14-65 reads as rewritten:

2 **"§ 14-65. Fraudulently setting fire to dwelling houses.**

3 If any person, being the occupant of any building used as a dwelling house, whether
4 such person be the owner thereof or not, or, being the owner of any building designed or
5 intended as a dwelling house, shall wantonly and willfully or for a fraudulent purpose
6 set fire to or burn or cause to be burned, or aid, counsel or procure the burning of such
7 building, he shall be punished as a Class ~~H~~F felon."

8 Sec. 16. G.S. 14-66 reads as rewritten:

9 **"§ 14-66. Burning of personal property.**

10 If any person shall wantonly and willfully set fire to or burn, or cause to be burned,
11 or aid, counsel or procure the burning of, any goods, wares, merchandise or other
12 chattels or personal property of any kind, whether or not the same shall at the time be
13 insured by any person or corporation against loss or damage by fire, with intent to injure
14 or prejudice the insurer, the creditor or the person owning the property, or any other
15 person, whether the property is that of such person or another, he shall be punished as a
16 Class ~~H~~F felon."

17 Sec. 17. G.S. 14-67.1, as amended by Section 1192.1 of Chapter 539 of the
18 1993 Session Laws, reads as rewritten:

19 **"§ 14-67.1. Burning other buildings.**

20 If any person shall wantonly and willfully set fire to or burn or cause to be burned or
21 aid, counsel or procure the burning of any building or other structure of any type not
22 otherwise covered by the provisions of this Article, he shall be punished as a Class ~~H~~F
23 felon."

24 Sec. 18. G.S. 14-136, as amended by Sections 78 and 1188 of Chapter 539 of
25 the 1993 Session Laws, reads as rewritten:

26 **"§ 14-136. Setting fire to grass and brushlands and woodlands.**

27 If any person shall intentionally set fire to any grassland, brushland or woodland,
28 except it be his own property, or in that case without first giving notice to all persons
29 owning or in charge of lands adjoining the land intended to be fired, and without also
30 taking care to watch such fire while burning and to extinguish it before it shall reach any
31 lands near to or adjoining the lands so fired, he shall for every such offense be guilty of
32 a Class 2 misdemeanor for the first offense, and for a second or any subsequent similar
33 offense shall be guilty of a Class 1 misdemeanor. If intent to damage the property of
34 another shall be shown, said person shall be punished as a Class ~~F~~G felon. This section
35 shall not prevent an action for the damages sustained by the owner of any property from
36 such fires. For the purposes of this section, the term 'woodland' is to be taken to include
37 all forest areas, both timber and cutover land, and all second-growth stands on areas that
38 have at one time been cultivated. Any person who shall furnish to the State, evidence
39 sufficient for the conviction of a violation of this section shall receive the sum of five
40 hundred dollars (\$500.00) to be paid from the State Fire Suppression Fund."

41 Sec. 19. G.S. 14-141, as amended by Section 81 of Chapter 539 of the 1993
42 Session Laws, reads as rewritten:

43 **"§ 14-141. Burning or otherwise destroying crops in the field.**

1 Any person who shall willfully burn or destroy any other person's lawfully grown
2 crop, pasture, or provender shall be punished as follows:

3 (1) If the damage is two thousand dollars (\$2,000) or less, the person is
4 guilty of a Class 1 misdemeanor.

5 (2) If the damage is more than two thousand dollars (\$2,000), the person is
6 guilty of a Class I-G felony."

7 Sec. 20. This act becomes effective January 1, 1995, and applies to offenses
8 committed on or after that date.