

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 409

Short Title: Increase Punishment for Cargo Theft. (Public)

Sponsors: Senators Britt, McInnis, and Craven (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 30, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE OFFENSE OF BREAKING OR ENTERING INTO OR
3 BREAKING OUT OF RAILROAD CARS, MOTOR VEHICLES, TRAILERS,
4 AIRCRAFT, BOATS, OR OTHER WATERCRAFT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 14-56 reads as rewritten:

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

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

17 (a1) ~~If any person violates subsection (a) of this section, that person is guilty of a Class H~~
18 ~~felony if both of the following conditions are met:~~

19 (1) ~~The railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of~~
20 ~~any kind is owned or operated by any law enforcement agency, the North~~
21 ~~Carolina National Guard, or any branch of the Armed Forces of the United~~
22 ~~States.~~

23 (2) ~~The person knows or reasonably should know that the railroad car, motor~~
24 ~~vehicle, trailer, aircraft, boat, or other watercraft of any kind is owned or~~
25 ~~operated by any law enforcement agency, the North Carolina National Guard,~~
26 ~~or any branch of the Armed Forces of the United States.~~

27 (a2) The following classifications apply to an offense under subsection (a) of this section:

28 (1) An offense is a Class H felony if the goods, wares, freight, or other thing of
29 value taken has a value exceeding one thousand five hundred dollars (\$1,500),
30 but no more than twenty thousand dollars (\$20,000), aggregated over a 90-day
31 period, or if all of the following conditions are met:

32 a. The railroad car, motor vehicle, trailer, aircraft, boat, or other
33 watercraft of any kind is owned or operated by any law enforcement
34 agency, the North Carolina National Guard, or any branch of the
35 Armed Forces of the United States.



- 1 b. The person knows or reasonably should know that the railroad car,
2 motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is
3 owned or operated by any law enforcement agency, the North Carolina
4 National Guard, or any branch of the Armed Forces of the United
5 States.
- 6 c. The offense does not involve the taking of goods, wares, freight, or
7 any other thing of value that would be punishable under subdivision
8 (2), (3), or (4) of this subsection.
- 9 (2) An offense is a Class G felony if the goods, wares, freight, or other thing of
10 value taken has a value exceeding twenty thousand dollars (\$20,000), but no
11 more than fifty thousand dollars (\$50,000), aggregated over a 90-day period.
- 12 (3) An offense is a Class F felony if the goods, wares, freight, or other thing of
13 value taken has a value exceeding fifty thousand dollars (\$50,000), but no
14 more than one hundred thousand dollars (\$100,000), aggregated over a 90-day
15 period.
- 16 (4) An offense is a Class C felony if the goods, wares, freight, or other thing of
17 value taken has a value exceeding one hundred thousand dollars (\$100,000)
18 aggregated over a 90-day period.
- 19 (5) An offense is a Class I felony for any other offense under subsection (a) of
20 this section that is not otherwise covered under subdivisions (1) through (4)
21 of this subsection.

22 (b) It shall not be a violation of this section for any person to break or enter any railroad
23 car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind to provide assistance to
24 a person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind if
25 one or more of the following circumstances exist:

- 26 (1) The person acts in good faith to access the person inside the railroad car, motor
27 vehicle, trailer, aircraft, boat, or watercraft of any kind in order to provide first
28 aid or emergency health care treatment or because the person inside is, or is
29 in imminent danger of becoming unconscious, ill, or injured.
- 30 (2) It is reasonably apparent that the circumstances require prompt decisions and
31 actions in medical, other health care, or other assistance for the person inside
32 the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind.
- 33 (3) The necessity of immediate health care treatment or removal of the person
34 from the railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft
35 of any kind is so reasonably apparent that any delay in the rendering of
36 treatment or removal would seriously worsen the physical condition or
37 endanger the life of the person.

38 (c) Acts occurring in more than one county that would constitute a violation of subsection
39 (a) of this section and involve the taking of goods, wares, freight, or any other thing of value may
40 be aggregated into an alleged violation of subsection (a) of this section. Each county where a part
41 of the charged offense occurs has concurrent venue as described in G.S. 15A-132."

42 **SECTION 2.** G.S. 14-86.1(a) reads as rewritten:

43 "(a) All conveyances, including vehicles, watercraft, or aircraft, used to unlawfully
44 conceal, convey, or transport property in violation of G.S. 14-71, 14-71.1, or 14-71.2, used by
45 any person in the commission of armed or common-law robbery, used in violation of
46 G.S. 14-72.7, used by any person in the commission of any larceny when the value of the property
47 taken is more than two thousand dollars (\$2,000), used by any person in the commission of an
48 offense under G.S. 14-56, or used by any person in the commission of organized retail theft in
49 violation of G.S. 14-86.6 shall be subject to forfeiture as provided herein, except that:

50 "

1 **SECTION 3.** This act becomes effective December 1, 2023, and applies to offenses
2 committed on or after that date.