

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 761
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10364-CE-7

Short Title: Police Vehicle and Equipment Protection Act. (Public)

Sponsors: Representative Blackwell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PENALTIES FOR BREAKING AND ENTERING INTO
3 CERTAIN LAW ENFORCEMENT VEHICLES AND FOR THE THEFT OF CERTAIN
4 LAW ENFORCEMENT EQUIPMENT.

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 any person, with intent to commit any felony or larceny therein, breaks or enters
10 any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind, containing
11 any goods, wares, freight, or other thing of value, or, after having committed any felony or
12 larceny therein, breaks out of any railroad car, motor vehicle, trailer, aircraft, boat, or other
13 watercraft of any kind containing any goods, wares, freight, or other thing of value, that person
14 is guilty of a Class I felony. It is prima facie evidence that a person entered in violation of this
15 section if he is found unlawfully in such a railroad car, motor vehicle, trailer, aircraft, boat, or
16 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 (b) It shall not be a violation of this section for any person to break or enter any railroad
28 car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind to provide assistance to
29 a person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind if
30 one or more of the following circumstances exist:

31 (1) The person acts in good faith to access the person inside the railroad car, motor
32 vehicle, trailer, aircraft, boat, or watercraft of any kind in order to provide first
33 aid or emergency health care treatment or because the person inside is, or is
34 in imminent danger of becoming unconscious, ill, or injured.



- 1 (2) It is reasonably apparent that the circumstances require prompt decisions and
2 actions in medical, other health care, or other assistance for the person inside
3 the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind.
4 (3) The necessity of immediate health care treatment or removal of the person
5 from the railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft
6 of any kind is so reasonably apparent that any delay in the rendering of
7 treatment or removal would seriously worsen the physical condition or
8 endanger the life of the person."

9 **SECTION 2.** Article 16 of Chapter 14 of the General Statutes is amended by adding
10 a new section to read:

11 **"§ 14-72.9. Larceny of law enforcement equipment.**

12 (a) Definitions. –

- 13 (1) "Law enforcement equipment" means any equipment owned or operated by a
14 law enforcement agency and used by law enforcement agencies to conduct
15 law enforcement operations, including firearms and any other type of weapon,
16 ammunition, radios, computers, handcuffs and other restraints, phones, cell
17 site simulators, light bars, and sirens.
18 (2) "Law enforcement vehicle" means any railroad car, motor vehicle, trailer,
19 aircraft, boat, or other watercraft of any kind owned or operated by any law
20 enforcement agency, the North Carolina National Guard, or any branch of the
21 Armed Forces of the United States.

22 (b) Offense. – A person is guilty of a Class H felony if the person commits larceny of law
23 enforcement equipment from a law enforcement vehicle and the person knows, or reasonably
24 should know, that the vehicle was a law enforcement vehicle and that the property was law
25 enforcement equipment.

26 (c) Additional Offense. – A person is guilty of a Class G felony if the person violated
27 subsection (b) of this section and the law enforcement equipment is valued in excess of one
28 thousand dollars (\$1,000)."

29 **SECTION 3.** This act becomes effective December 1, 2021, and applies to offenses
30 committed on or after that date.