

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**HOUSE BILL 761
RATIFIED BILL**

AN ACT TO INCREASE THE PENALTIES FOR BREAKING AND ENTERING INTO CERTAIN LAW ENFORCEMENT VEHICLES AND FOR THE THEFT OF CERTAIN LAW ENFORCEMENT EQUIPMENT, TO MAKE TECHNICAL CORRECTIONS TO S.L. 2021-118, AND TO MAKE A TECHNICAL CORRECTION TO S.L. 2021-123.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

- (1) The person acts in good faith to access the person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind in order to provide first aid or emergency health care treatment or because the person inside is, or is in imminent danger of becoming unconscious, ill, or injured.
- (2) It is reasonably apparent that the circumstances require prompt decisions and actions in medical, other health care, or other assistance for the person inside the railroad car, motor vehicle, trailer, aircraft, boat, or watercraft of any kind.
- (3) The necessity of immediate health care treatment or removal of the person from the railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind is so reasonably apparent that any delay in the rendering of



treatment or removal would seriously worsen the physical condition or endanger the life of the person."

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

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

(a) Definitions. –

(1) "Law enforcement equipment" means any equipment owned or operated by a law enforcement agency and used by law enforcement agencies to conduct law enforcement operations, including firearms and any other type of weapon, ammunition, radios, computers, handcuffs and other restraints, phones, cell site simulators, light bars, and sirens.

(2) "Law enforcement vehicle" means any railroad car, motor vehicle, trailer, aircraft, boat, or other watercraft of any kind owned or operated by any law enforcement agency, the North Carolina National Guard, or any branch of the Armed Forces of the United States.

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

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

SECTION 2.3.(a) G.S. 15A-145.5(c1)(1), as amended by Section 1 of S.L. 2021-118, reads as rewritten:

"(1) An affidavit by the petitioner that the petitioner is of good moral character and one of the following statements:

a. If the petition is for the expunction of one or more nonviolent misdemeanors, that the petitioner has not been convicted of any other felony or misdemeanor, other than a traffic violation, under the laws of the United States or the laws of this State or any other state during the applicable ~~five-year, seven-year, 10-year, or 20-year~~ five-year or seven-year waiting period set forth in subsection (c) of this section.

b. If the petition is for the expunction of one or up to three nonviolent felonies, that the petitioner has not been convicted under the laws of the United States or the laws of this State or any other state of any misdemeanor, other than a traffic violation, in the five years preceding the petition, or any felony during the applicable 10-year or 20-year waiting period set forth in subsection (c) of this section."

SECTION 2.3.(b) This section becomes effective December 1, 2021, and applies to petitions filed on or after that date.

SECTION 2.4.(a) Section 7 of S.L. 2021-123 reads as rewritten:

"SECTION 7. The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2023, and annually thereafter, on all complaints ~~filed~~ received against a juvenile less than 10 years of age, but at least 6 years of age. The report shall include the following information about the complaints and the juveniles against whom the complaints were made:

(1) A summary containing the following information about all complaints filed since the last report:

~~(a)~~a. The total number of complaints.

~~(b)~~b. The offenses alleged in the complaints, organized by class of offense.

- (~~e~~)c. The age of the juveniles at the time of the offense.
 - (~~d~~)d. The number of complaints that resulted in a juvenile consultation.
 - (~~e~~)e. The number of complaints that resulted in juvenile court jurisdiction for delinquency, including a breakdown of the number of those complaints that were handled through diversion and the number that led to the filing of a delinquency petition.
 - (~~f~~)f. The number of juveniles receiving a juvenile consultation that have previously received juvenile consultation services.
- (2) A detailed listing of all complaints filed since the last report, with any identifying information removed, containing the following information for each complaint:
- (~~a~~)a. The age of the juvenile.
 - (~~b~~)b. The offenses, including class of offense, allegedly committed by the juvenile.
 - (~~c~~)c. The initial determination by the juvenile court counselor to treat the complaint as a vulnerable juvenile complaint or a delinquent juvenile complaint.
 - (~~d~~)d. If the juvenile is a vulnerable juvenile, whether the juvenile received juvenile consultation services.
 - (~~e~~)e. If the juvenile is a vulnerable juvenile, whether the juvenile has received juvenile consultation services for a previous complaint.
 - (~~f~~)f. If the juvenile is alleged delinquent, whether the juvenile was diverted or a petition alleging delinquency was filed."

SECTION 2.4.(b) This section becomes effective December 1, 2021, and applies to offenses committed on or after that date.

SECTION 3. Sections 1 and 2 of this act become effective December 1, 2021, and apply to offenses committed on or after that date. Except as otherwise provided, the remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 7th day of October, 2021.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2021