

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 261
Committee Substitute Favorable 4/29/25

Short Title: Sent. Enhancement/Immigration-Related Crimes.

(Public)

Sponsors:

Referred to:

March 4, 2025

A BILL TO BE ENTITLED
AN ACT TO CREATE A SENTENCE ENHANCEMENT FOR A PERSON CONVICTED OF
A FELONY OTHER THAN A CLASS A FELONY WHILE BEING UNLAWFULLY IN
THE UNITED STATES AND TO CREATE A SENTENCE ENHANCEMENT FOR A
PERSON CONVICTED OF A MISDEMEANOR OR FELONY COMMITTED WHILE
CONSPIRING WITH ONE OR MORE PERSONS FOR THE PURPOSE OF
BENEFITTING, PROMOTING, OR FURTHERING CRIMINAL ACTIVITY.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 81B of Chapter 15A of the General Statutes is
amended by adding two new sections to read:

**"§ 15A-1340.16H. Enhanced sentence for felony committed by person unlawfully in the
United States.**

(a) Sentence Enhancement with Prior Federal Conviction. – If a person is convicted of a
felony other than a Class A felony and it is found as provided in this section that the person had
been previously convicted of a crime relating to the reentry of removed aliens under 8 U.S.C. §
1326, then the person is guilty of a felony that is one class higher than the underlying felony for
which the person was convicted.

(b) Indictment or Information. – An indictment or information for the felony shall allege
in that indictment or information or in a separate indictment or information the applicable facts
set out in subsection (a) of this section. The pleading for an offense subject to enhancement under
subsection (a) of this section is sufficient if it alleges that the defendant committed the felony
while having a prior conviction of a crime relating to the reentry of removed aliens under 8 U.S.C.
§ 1326. One pleading is sufficient for all felonies that are tried at a single trial.

(c) Burden of Proof. – The State shall prove the issue set out in subsection (a) of this
section beyond a reasonable doubt during the same trial in which the defendant is tried for the
felony unless the defendant pleads guilty or no contest to that issue. If the defendant pleads guilty
or no contest to the felony but pleads not guilty to the issue set out in subsection (a) of this section,
then a jury shall be impaneled to determine that issue.

**"§ 15A-1340.16I. Enhanced sentence for felony committed for the purpose of benefitting,
promoting, or furthering criminal activity.**

(a) Definition. – For purposes of this section, the term "criminal activity" is as defined in
G.S. 14-118.8.

(b) Sentence Enhancement. – If a person is convicted of a felony other than a Class A
felony and it is found as provided in this section that the felony was committed by a person
conspiring with one or more persons for the purpose of benefitting, promoting, or furthering



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1 criminal activity, then the person is guilty of a felony that is one class higher than the underlying
2 felony for which the person was convicted.

3 (c) Indictment or Information. – An indictment or information for the felony shall allege
4 in that indictment or information or in a separate indictment or information the facts set out in
5 subsection (b) of this section. The pleading is sufficient if it alleges that the defendant committed
6 the felony while conspiring with one or more persons for the purpose of benefitting, promoting,
7 or furthering the interests of criminal activity. One pleading is sufficient for all felonies that are
8 tried at a single trial.

9 (d) Burden of Proof. – The State shall prove the issue set out in subsection (b) of this
10 section beyond a reasonable doubt during the same trial in which the defendant is tried for the
11 felony unless the defendant pleads guilty or no contest to that issue. If the defendant pleads guilty
12 or no contest to the felony but pleads not guilty to the issue set out in subsection (b) of this
13 section, then a jury shall be impaneled to determine that issue."

14 **SECTION 2.** Part 3 of Article 81B of Chapter 15A of the General Statutes is
15 amended by adding a new section to read:

16 "**§ 15A-1340.24. Enhanced sentence for misdemeanor committed for the purpose of**
17 **benefitting, promoting, or furthering criminal activity.**

18 (a) Definition. – For purposes of this section, the term "criminal activity" is as defined in
19 G.S. 14-118.8.

20 (b) Sentence Enhancement. – If a person is convicted of a misdemeanor other than a Class
21 A1 misdemeanor and it is found as provided in this section that the misdemeanor was committed
22 by a person conspiring with one or more persons for the purpose of benefitting, promoting, or
23 furthering criminal activity, then the person is guilty of a misdemeanor that is one class higher
24 than the underlying misdemeanor for which the person was convicted. If a person is convicted of
25 a Class A1 misdemeanor and it is found as provided in this section that the misdemeanor was
26 committed by a person conspiring with one or more persons for the purpose of benefitting,
27 promoting, or furthering criminal activity, then the person is guilty of a Class I felony.

28 (c) Pleading. – The pleading charging the person for the misdemeanor shall allege in that
29 pleading or in a separate pleading the facts set out in subsection (b) of this section. The pleading
30 is sufficient if it alleges that the defendant committed the misdemeanor while conspiring with
31 one or more persons for the purpose of benefitting, promoting, or furthering the interests of
32 criminal activity. One pleading is sufficient for all felonies that are tried at a single trial.

33 (d) Burden of Proof. – The State shall prove the issue set out in subsection (b) of this
34 section beyond a reasonable doubt during the same trial in which the defendant is tried for the
35 misdemeanor unless the defendant pleads guilty or no contest to that issue. If the defendant pleads
36 guilty or no contest to the misdemeanor but pleads not guilty to the issue set out in subsection (b)
37 of this section, then a jury shall be impaneled to determine that issue."

38 **SECTION 3.** This act becomes effective December 1, 2025, and applies to offenses
39 committed on or after that date.