

IN THE SENATE

SENATE BILL NO. 1342

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO BURGLARY; AMENDING SECTION 18-1401, IDAHO CODE, TO REVISE THE
2 DEFINITION OF "BURGLARY" AND TO MAKE TECHNICAL CORRECTIONS; AND AMEND-
3 ING CHAPTER 14, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
4 18-1401A, IDAHO CODE, TO PROVIDE FOR THE CRIME OF COMMERCIAL BURGLARY
5 AND TO PROVIDE PENALTIES.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 18-1401, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 18-1401. BURGLARY DEFINED. Every person who enters any house, room,
11 apartment, tenement, shop, warehouse, ~~store~~, mill, barn, stable, outhouse,
12 or ~~other~~ a building other than one defined in section 18-1401A, Idaho Code,
13 tent, vessel, vehicle, trailer, airplane, or railroad car~~r~~ with intent to
14 commit any theft or any felony~~r~~ is guilty of burglary.

15 SECTION 2. That Chapter 14, Title 18, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 18-1401A, Idaho Code, and to read as follows:

18 18-1401A. COMMERCIAL BURGLARY DEFINED. Every person who enters a com-
19 mercial establishment during business hours with intent to commit any theft
20 under three hundred dollars (\$300) is guilty of commercial burglary. Any
21 person who pleads guilty to, or is found guilty of, a violation of this sec-
22 tion for the first time is guilty of a misdemeanor and may be sentenced to a
23 jail sentence not to exceed six (6) months, a fine of one thousand dollars
24 (\$1,000), or both. Any person who pleads guilty to, or is found guilty of,
25 a violation of this section who previously has been found guilty of, or has
26 pled guilty to, a violation of the provisions of this section within five (5)
27 years is guilty of a misdemeanor and may be sentenced to a jail sentence not
28 to exceed one (1) year, a fine of two thousand dollars (\$2,000), or both. Any
29 person who pleads guilty to, or is found guilty of, a violation of this sec-
30 tion who previously has been found guilty of, or has pled guilty to, two (2)
31 or more violations of the provisions of this section within five (5) years,
32 notwithstanding the form of the judgments or withheld judgments, shall be
33 guilty of a felony.