

2011 -- S 0631

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING

Introduced By: Senators Pichardo, Tassoni, E O'Neill, and Ciccone

Date Introduced: March 10, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-8-2.4 of the General Laws in Chapter 11-8 entitled "Burglary
2 and Breaking and Entering" is hereby amended to read as follows:

3 **11-8-2.4. Breaking and entering of dwelling house of a person who is severely**
4 **impaired.** -- (a) Every person who shall break and enter any dwelling house or apartment,
5 without the consent of the owner or tenant at a time when a resident of the dwelling house or
6 apartment who is a person who is severely impaired as defined by the provisions of section 11-5-
7 11 is on the premises, shall be imprisoned for not less than ~~two (2)~~ five (5) years and not more
8 than ~~twenty (20)~~ twenty-five (25) years and may in addition be fined not more than ~~five thousand~~
9 ~~dollars (\$5,000)~~ fifteen thousand dollars (\$15,000) for a first conviction and not more than ~~ten~~
10 ~~thousand dollars (\$10,000)~~ twenty thousand dollars (\$20,000) for second and subsequent
11 convictions.

12 (b) Every person convicted pursuant to subsection (a) of this section shall be ordered to
13 make restitution to the victim of the offense, or to perform up to five hundred (500) hours of
14 public community restitution work, or both, or any combination of them imposed by the
15 sentencing judge. The court may not waive the obligation to make restitution and/or public
16 community restitution work. Restitution and/or public community restitution work shall be in
17 addition to any fine or sentence which may be imposed and not in lieu of the fine or sentence;
18 provided, that nothing contained in this section shall be construed to require the payment of
19 restitution while the convicted person is imprisoned.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would increase the penalties from two (2) years in prison to five (5) years in
2 prison and the fines from not more than five thousand dollars (\$5,000) to fifteen thousand dollars
3 (\$15,000) for the first conviction and from ten thousand dollars (\$10,000) to twenty thousand
4 dollars (\$20,000) for the second and subsequent convictions for burglary.

5 This act would take effect upon passage.

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