

1 H.531

2 Introduced by Representative Wood of Waterbury

3 Referred to Committee on

4 Date:

5 Subject: Crimes; burglary

6 Statement of purpose of bill as introduced: This bill proposes to increase the
7 penalties for burglary so that they are identical to the penalties for burglary into
8 an occupied dwelling.

9 An act relating to criminal penalties for burglary

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 13 V.S.A. § 1201 is amended to read:

12 § 1201. BURGLARY

13 (a) A person is guilty of burglary if ~~he or she~~ the person enters any building
14 or structure knowing that ~~he or she~~ the person is not licensed or privileged to
15 do so, with the intent to commit a felony, petit larceny, simple assault, or
16 unlawful mischief. This provision shall not apply to a licensed or privileged
17 entry, or to an entry that takes place while the premises are open to the public,
18 unless the person, with the intent to commit a crime specified in this
19 subsection, surreptitiously remains in the building or structure after the license
20 or privilege expires or after the premises no longer are open to the public.

1 (b) As used in this section:

2 (1) ~~“Building~~ building,” “premises,” and “structure” shall, in addition to
3 their common meanings, include and mean any portion of a building, structure,
4 or premises that differs from one or more other portions of such building,
5 structure, or premises with respect to license or privilege to enter, or to being
6 open to the public.

7 ~~(2) “Occupied dwelling” means a building used as a residence, either full~~
8 ~~time or part time, regardless of whether someone is actually present in the~~
9 ~~building at the time of entry.~~

10 (c)(1) A person convicted of burglary shall be imprisoned not more than ~~45~~
11 25 years or fined not more than \$1,000.00, or both.

12 ~~(2) A person convicted of burglary and who carries a dangerous or~~
13 ~~deadly weapon, openly or concealed, shall be imprisoned not more than~~
14 ~~20 years or fined not more than \$10,000.00, or both.~~

15 ~~(3) A person convicted of burglary into an occupied dwelling:~~

16 ~~(A) shall be imprisoned not more than 25 years or fined not more~~
17 ~~than \$1,000.00, or both; or~~

18 ~~(B) shall be imprisoned not more than 30 years or fined not more~~
19 ~~than \$10,000.00, or both, if the person carried a dangerous or deadly weapon,~~
20 ~~openly or concealed, during commission of the offense.~~

1 ~~(4)~~ When imposing a sentence under this section, the court shall
2 consider as an aggravating factor whether, during commission of the offense,
3 the person entered the building when someone was actually present or used or
4 threatened to use force against the occupant.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on passage.