

BURGLARY AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Katherine M. Bryson

This act modifies the Criminal Code by including as a burglary offense the entering of a building with intent to commit a sexual offense.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-6-202, as enacted by Chapter 196, Laws of Utah 1973

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-202** is amended to read:

76-6-202. Burglary.

(1) ~~[A person]~~ An actor is guilty of burglary if he enters or remains unlawfully in a building or any portion of a building ~~[with intent to commit a felony or theft or commit an assault on any person.]~~ with intent to commit:

(a) a felony;

(b) theft;

(c) an assault on any person;

(d) lewdness, a violation of Subsection 76-9-702(1);

(e) sexual battery, a violation of Subsection 76-9-702(3); or

(f) lewdness involving a child, in violation of Section 76-9-702.5.

(2) Burglary is a felony of the third degree unless it was committed in a dwelling, in which event it is a felony of the second degree.

(3) A violation of this section is a separate offense from any of the offenses listed in Subsection (1)(a) or (1)(b), and which may be committed by the actor while he is in the building.