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BURGLARY AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Katherine M. Bryson

This act modifies the Criminal Code by including as a burglary the entering of a building with intent to commit a sexual offense or entering a building with knowledge the act is a violation of a protective order.

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.];~~

(a) with intent to commit:

(i) a felony;

(ii) theft;

(iii) an assault on any person; or

(iv) any violation of Title 76, Chapter 5, Part 4, Sexual Offenses; or

(b) with knowledge that the actor is violating a protective order issued under Title 30, Chapter 6, Cohabitant Abuse Act.

(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.

Legislative Review Note
as of 1-8-01 1:45 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel