

BURGLARY OF A RAILROAD CAR

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Darin G. Peterson

House Sponsor: James R. Gowans

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code by making burglary of a railroad car a third degree felony.

Highlighted Provisions:

This bill:

- ▶ amends the definitions;
- ▶ provides that it is a third degree felony to break the lock or seal on any railroad car, with the intent to commit a felony or theft; and
- ▶ provides that a charge against any person for burglary of a railroad car does not preclude a charge for a commission of any other offense.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-201, as enacted by Laws of Utah 1973, Chapter 196

ENACTS:

76-6-204.5, Utah Code Annotated 1953

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

Section 1. Section **76-6-201** is amended to read:

30 **76-6-201. Definitions.**

31 [~~For the purposes of~~] As used in this part:

32 (1) (a) "Building," in addition to its ordinary meaning, means any watercraft, aircraft,
33 trailer, [~~sleeping car,~~] or other structure or vehicle adapted for overnight accommodation of
34 persons or for carrying on business [~~therein~~] and includes:

35 [~~(a) Each~~] (i) each separately secured or occupied portion of the structure or vehicle;
36 and

37 [~~(b) Each~~] (ii) each structure appurtenant to or connected with the structure or vehicle.

38 (b) "Building" does not include a railroad car.

39 (2) "Dwelling" means a building which is usually occupied by a person lodging [~~therein~~]
40 in the building at night, whether or not a person is actually present.

41 [~~(3) A person "enters or remains unlawfully" in or upon premises when the premises or~~
42 ~~any portion thereof]~~

43 (3) "Enter or remain unlawfully" means a person enters or remains in or on any
44 premises when:

45 (a) at the time of the entry or remaining, the premises or any portion of the premises are
46 not open to the public; and [~~when~~]

47 (b) the actor is not otherwise licensed or privileged to enter or remain on the premises
48 or [~~such~~] any portion [thereof] of the premises.

49 (4) "Enter" means:

50 (a) intrusion of any part of the body; or

51 (b) intrusion of any physical object under control of the actor.

52 (5) "Railroad car":

53 (a) in addition to its ordinary meaning, includes a sleeping car or any container or trailer
54 that is on a railroad car; and

55 (b) includes only a railroad car that is operable and part of an ongoing railroad
56 operation.

57 Section 2. Section **76-6-204.5** is enacted to read:

58 **76-6-204.5. Burglary of a railroad car -- Charge of other offenses.**

59 (1) Any person commits burglary of a railroad car when the person breaks the lock or
60 seal on any railroad car, with the intent to commit a felony or theft.

61 (2) Burglary of a railroad car is a third degree felony.

62 (3) Charging a person for a violation of Subsection (1) does not preclude charging the
63 person for any other offense.