

BURGLARY OF A RAILROAD CAR

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James R. Gowans

Senate Sponsor: Mike Dmitrich

LONG TITLE

General Description:

This bill amends the Utah Criminal Code by making it a felony of the third degree to burglarize a railroad car.

Highlighted Provisions:

This bill:

- ▶ defines ~~H~~→ [the term "~~railroad car~~"] terms ←H ;
- ▶ provides that it is a felony of the third degree to unlawfully enter a railroad car, or 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 a violation of this bill 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 Chapter 196, Laws of Utah 1973

ENACTS:

76-6-204.5, Utah Code Annotated 1953



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29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **76-6-201** is amended to read:31 **76-6-201. Definitions.**

32 For the purposes of this part:

33 (1) ~~Ĥ→ (a) ←Ĥ~~ "Building," in addition to its ordinary meaning, means any watercraft,
33a aircraft,34 trailer ~~Ĥ→ [,-sleeping car] ←Ĥ~~ , or other structure or vehicle adapted for overnight
34a accommodation of

35 persons or for carrying on business therein and includes:

36 ~~Ĥ→ [(a)-Each] (i) each ←Ĥ~~ separately secured or occupied portion of the structure or
36a vehicle; and37 ~~Ĥ→ [(b)-Each] (ii) each ←Ĥ~~ structure appurtenant to or connected with the structure
37a or vehicle.37b ~~Ĥ→ (b) "Building" does not include a railroad car. ←Ĥ~~38 (2) "Dwelling" means a building which is usually occupied by a person lodging therein
39 at night, whether or not a person is actually present.40 (3) A person "enters or remains unlawfully" in or upon premises when the premises or
41 any portion thereof at the time of the entry or remaining are not open to the public and when
42 the actor is not otherwise licensed or privileged to enter or remain on the premises or such
43 portion thereof.

44 (4) "Enter" means:

45 (a) Intrusion of any part of the body; or

46 (b) Intrusion of any physical object under control of the actor.

47 (5) ~~Ĥ→ (a) ←Ĥ~~ "Railroad car," in addition to its ordinary meaning, includes ~~Ĥ→ a~~
47a sleeping car or ←Ĥ any container or trailer
48 that is on a railroad car.49 Section 2. Section **76-6-204.5** is enacted to read:50 **76-6-204.5. Burglary of a railroad car -- Charge of other offenses.**51 (1) Any person who unlawfully enters a railroad car, or breaks the lock or seal on any
52 railroad car, with the intent to commit a felony or theft is guilty of burglary of a railroad car.53 (2) Burglary of a railroad car is a felony of the third degree.54 (3) A charge against any person for a violation of Subsection (1) does not preclude a
55 charge for a commission of any other offense.

Legislative Review Note
as of 1-30-07 2:23 PM

Office of Legislative Research and General Counsel

H.B. 447 - Burglary of a Railroad Car

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will require additional ongoing appropriations of \$15,600 for the Courts due to increased caseloads. The Courts have estimated \$15,000 in ongoing GF revenue.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
General Fund	\$0	\$15,600	\$15,600	\$0	\$15,000	\$15,000
Total	\$0	\$15,600	\$15,600	\$0	\$15,000	\$15,000

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.