

**BURGLARY OF A RAILROAD CAR**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James R. Gowans**

Senate Sponsor: Mike Dmitrich

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**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 the term "railroad car";
- 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



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

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

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

For the purposes of this part:

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

- (a) Each separately secured or occupied portion of the structure or vehicle; and
- (b) Each structure appurtenant to or connected with the structure or vehicle.

(2) "Dwelling" means a building which is usually occupied by a person lodging therein at night, whether or not a person is actually present.

(3) A person "enters or remains unlawfully" in or upon premises when the premises or any portion thereof at the time of the entry or remaining are not open to the public and when the actor is not otherwise licensed or privileged to enter or remain on the premises or such portion thereof.

(4) "Enter" means:

- (a) Intrusion of any part of the body; or
- (b) Intrusion of any physical object under control of the actor.

(5) "Railroad car," in addition to its ordinary meaning, includes any container or trailer that is on a railroad car.

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

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

(1) Any person who unlawfully enters a railroad car, or breaks the lock or seal on any railroad car, with the intent to commit a felony or theft is guilty of burglary of a railroad car.

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

(3) A charge against any person for a violation of Subsection (1) does not preclude a charge for a commission of any other offense.

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

**Office of Legislative Research and General Counsel**

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## H.B. 447 - Burglary of a Railroad Car

### Fiscal Note

2007 General Session

State of Utah

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

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#### 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.