

BURGLARY OFFENSE AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: Holly J. Richardson

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding elements of the offense of burglary.

Highlighted Provisions:

This bill:

► provides that the offense of burglary includes a person entering a building with the intent to commit any act of voyeurism, rather than the current element of intent to commit an act of voyeurism against a child younger than 14 years of age.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-202, as last amended by Laws of Utah 2003, Chapter 325

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) An actor is guilty of burglary [~~if he~~] who enters or remains unlawfully in a building or any portion of a building with intent to commit:



- 28 (a) a felony;
 - 29 (b) theft;
 - 30 (c) an assault on any person;
 - 31 (d) lewdness, a violation of Subsection 76-9-702(1);
 - 32 (e) sexual battery, a violation of Subsection 76-9-702(3);
 - 33 (f) lewdness involving a child, in violation of Section 76-9-702.5; or
 - 34 (g) voyeurism [~~against a child~~] under [~~Subsection~~] Section 76-9-702.7[(~~2~~) or (~~5~~)].
- 35 (2) Burglary is a third degree felony [~~of the third degree~~] unless it was committed in a
36 dwelling, in which event it is a second ~~°~~ **°** degree ~~°~~ felony [~~of the second degree~~].
- 37 (3) A violation of this section is a separate offense from any of the offenses listed in
38 Subsections (1)(a) through (g), and which may be committed by the actor while [~~he is~~] in the
39 building.

Legislative Review Note
as of 1-17-11 11:59 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 141

SHORT TITLE: **Burglary Offense Amendments - As Amended**

SPONSOR: **Madsen, M.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.