

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:

(a) a felony;

(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.