

1 S.216

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; burglary

6 Statement of purpose of bill as introduced: This bill proposes to amend the
7 burglary statute to provide enhanced penalties for possession of a weapon or
8 the use of force, or threat of force, in commission of a burglary.

9 An act relating to enhanced penalties for possession of a weapon or use of
10 force or threat in commission of a burglary

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 13 V.S.A. § 1201 is amended to read:

13 § 1201. BURGLARY

14 (a) A person is guilty of burglary if he or she enters any building or
15 structure knowing that he or she is not licensed or privileged to do so, with the
16 intent to commit a felony, petit larceny, simple assault, or unlawful mischief.

17 This provision shall not apply to a licensed or privileged entry, or to an entry
18 that takes place while the premises are open to the public, unless the person,
19 with the intent to commit a crime specified in this subsection, surreptitiously

1 remains in the building or structure after the license or privilege expires or
2 after the premises no longer are open to the public.

3 (b) As used in this section, the words “building,” “structure,” and
4 “premises” shall, in addition to their common meanings, include and mean any
5 portion of a building, structure, or premises which differs from one or more
6 other portions of such building, structure, or premises with respect to license or
7 privilege to enter, or to being open to the public.

8 (c)(1) A person convicted of burglary into an occupied dwelling shall be
9 imprisoned not more than 25 years or fined not more than \$1,000.00, or both.
10 Otherwise a person convicted of burglary shall be imprisoned not more than
11 15 years or fined not more than \$1,000.00, or both.

12 (2) In addition to the penalties provided in subdivision (1) of
13 this subsection:

14 (A) A person who violates subsection (a) of this section and who
15 carries a dangerous or deadly weapon, openly or concealed, during the
16 commission of the offense shall be imprisoned not more than five years.

17 (B) A person who violates subsection (a) of this section and who uses
18 or threatens to use force against the occupant during the commission of the
19 offense shall be imprisoned not more than 15 years.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2014.