

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 842

An Act to amend and reenact § 18.2-90 of the Code of Virginia, relating to which buildings can be burglarized; penalty.

[H 645]

Approved April 14, 2004

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-90 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-90. Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson; penalty.

If any person in the nighttime enters without breaking or in the daytime breaks and enters or enters and conceals himself in a dwelling house or an adjoining, occupied outhouse or in the nighttime enters without breaking or at any time breaks and enters or enters and conceals himself in any ~~office, shop, manufactured home, storehouse, warehouse, banking house, church~~ as defined in ~~§ 18.2-127~~, or other ~~house~~ *building permanently affixed to realty*, or any ship, vessel or river craft or any railroad car, or any automobile, truck or trailer, if such automobile, truck or trailer is used as a dwelling or place of human habitation, with intent to commit murder, rape, robbery or arson in violation of §§ 18.2-77, 18.2-79 or § 18.2-80, he shall be deemed guilty of statutory burglary, which offense shall be a Class 3 felony. However, if such person was armed with a deadly weapon at the time of such entry, he shall be guilty of a Class 2 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.