

2008 SESSION

INTRODUCED

086275580

HOUSE BILL NO. 905

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend and reenact §§ 18.2-90 and 18.2-91 of the Code of Virginia, relating to punishment for statutory burglary.

Patron—Jones, D.C.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-90 and 18.2-91 of the Code of Virginia are 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 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~~ *is* guilty of statutory burglary, ~~which offense shall be a Class 3 a felony punishable by imprisonment of not less than 10 or more than 20 years and by a fine of not more than \$100,000.~~ However, if such person was armed with a deadly weapon at the time of such entry, he ~~shall be~~ *is* guilty of a Class 2 felony.

§ 18.2-91. Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony.

If any person commits any of the acts mentioned in § 18.2-90 with intent to commit larceny, or any felony other than murder, rape, robbery or arson in violation of §§ 18.2-77, 18.2-79 or § 18.2-80, or if any person commits any of the acts mentioned in § 18.2-89 or § 18.2-90 with intent to commit assault and battery, he ~~shall be~~ *is* guilty of statutory burglary, punishable by confinement in a state correctional facility for not less than ~~one~~ *two* or more than twenty years ~~or, in the discretion of the jury or the court trying the case without a jury, be confined in jail for a period not exceeding twelve months or fined not more than \$2,500, either or both.~~ However, if the person was armed with a deadly weapon at the time of such entry, he ~~shall be~~ *is* 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 is at least \$820,932 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.

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