

VIRGINIA ACTS OF ASSEMBLY -- 1996 RECONVENED SESSION

CHAPTER 1040

An Act to amend and reenact § 18.2-91 of the Code of Virginia, relating to breaking and entering with intent to commit assault and battery; penalty.

[H 1543]

Approved April 17, 1996

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-91 of the Code of Virginia is amended and reenacted as follows:

§ 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, ~~assault and battery~~ or any felony other than murder, rape or robbery, *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 guilty of statutory burglary, punishable by confinement in a state correctional facility for not less than one 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 guilty of a Class 2 felony.