

CHAPTER 1247
DEFINITION OF BURGLARY
H.F. 2334

AN ACT relating to the definition of burglary and attempted burglary.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 702.12, Code 1983, is amended to read as follows:

702.12 OCCUPIED STRUCTURE. An "occupied structure" is any building, structure, appurtenances to buildings and structures, land, water or air vehicle, or similar place adapted for overnight accommodation of persons, or occupied by persons for the purpose of carrying on business or other activity therein, or for the storage or safekeeping of anything of value. Such a structure is an "occupied structure" whether or not a person is actually present. However, for purposes of chapter 713, a box, chest, safe, changer, or other object or device which is adapted or used for the deposit or storage of anything of value but which is too small or not designed to allow a person to physically enter or occupy it is not an "occupied structure".

Sec. 2. Section 713.1, Code 1983, is amended to read as follows:

713.1 BURGLARY DEFINED. Any person, having the intent to commit a felony, assault or theft therein, who, having no right, license or privilege to do so, enters an occupied structure ~~or area enclosed in such a manner as to provide a place for the keeping of valuable property secure from theft or criminal mischief,~~ such occupied structure ~~or place~~ not being open to the public, or who remains therein after it is closed to the public or after the person's right, license or privilege to be there has expired, or any person having such intent who breaks an occupied structure ~~or other place where anything of value is kept,~~ commits burglary.

Sec. 3. Section 713.2, Code 1983, is amended to read as follows:

713.2 ATTEMPTED BURGLARY DEFINED. Any person, having the intent to commit a felony, assault or theft therein, who, having no right, license, or privilege to do so, attempts to enter an occupied structure ~~or area enclosed in a manner to provide a place for the keeping of valuable property secure from theft or criminal mischief,~~ the occupied structure ~~or place~~ not being open to the public, or who attempts to remain therein after it is closed to the public or after the person's right, license, or privilege to be there has expired, or any person having such intent who attempts to break an occupied structure ~~or other place where anything of value is kept,~~ commits attempted burglary.

Approved May 10, 1984