

FEB 21 1984

Place On Calendar

HOUSE FILE 2334

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(Formerly Study Bill 519)

Passed House, Date 3-5-84 (p. 693) Passed Senate, Date 4-2-84

Vote: Ayes 90 Nays 6 Vote: Ayes 45 Nays 0

Approved May 10, 1984

A BILL FOR

1 An Act relating to the definition of burglary and attempted
2 burglary.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2334

H-5312

- 1 Amend House File 2334 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "structure," the words "appurtenances to buildings and
- 4 structures,".
- 5 2. Page 1, line 26, by striking the word "into".
- 6 3. Page 2, line 4, by striking the word "into".

H-5312 FILED FEB. 27, 1984 BY ROSENBERG of Story

Adopted 3/5 (p. 693)

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HF 2334

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

3 702.12 OCCUPIED STRUCTURE. An "occupied structure" is
4 any building, structure, land, water or air vehicle, or similar
5 place adapted for overnight accommodation of persons, or
6 occupied by persons for the purpose of carrying on business
7 or other activity therein, or for the storage or safekeeping
8 of anything of value. Such a structure is an "occupied
9 structure" whether or not a person is actually present.
10 However, for purposes of this chapter, a box, chest, safe,
11 changer, or other object or device which is adapted or used
12 for the deposit or storage of anything of value but which
13 is too small or not designed to allow a person to physically
14 enter or occupy it is not an "occupied structure".

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

17 713.1 BURGLARY DEFINED. Any person, having the intent
18 to commit a felony, assault or theft therein, who, having
19 no right, license or privilege to do so, enters an occupied
20 structure ~~or area enclosed in such a manner as to provide~~
21 ~~a place for the keeping of valuable property secure from theft~~
22 ~~or criminal mischief~~, such occupied structure ~~or place~~ not
23 being open to the public, or who remains therein after it
24 is closed to the public or after the person's right, license
25 or privilege to be there has expired, or any person having
26 such intent who breaks into an occupied structure ~~or other~~
27 ~~place where anything of value is kept~~, commits burglary.

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

30 713.2 ATTEMPTED BURGLARY DEFINED. Any person, having
31 the intent to commit a felony, assault or theft therein, who,
32 having no right, license, or privilege to do so, attempts
33 to enter an occupied structure ~~or area enclosed in a manner~~
34 ~~to provide a place for the keeping of valuable property secure~~
35 ~~from theft or criminal mischief~~, the occupied structure ~~or~~

1 place not being open to the public, or who attempts to remain
2 therein after it is closed to the public or after the person's
3 right, license, or privilege to be there has expired, or any
4 person having such intent who attempts to break into an
5 occupied structure ~~or other place where anything of value~~
6 ~~is kept~~, commits attempted burglary.

7 EXPLANATION

8 This bill limits the application of sections 713.1 and
9 713.2 to occupied structures and changes the definition of
10 "occupied structure".

11 This bill takes effect July 1 following its enactment.

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HOUSE FILE 2334

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(As Amended and Passed by the House

Passed House, Date 4-5-84 (p.1682) Passed Senate, Date 4-2-84 (p.1245)

Vote: Ayes 93 Nays 4 Vote: Ayes 45 Nays 0

Approved May 10, 1984

A BILL FOR

1 An Act relating to the definition of burglary and attempted
2 burglary.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

Deleted Language *

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

3 702.12 OCCUPIED STRUCTURE. An "occupied structure" is
4 any building, structure, appurtenances to buildings and
5 structures, land, water or air vehicle, or similar place
6 adapted for overnight accommodation of persons, or occupied
7 by persons for the purpose of carrying on business or other
8 activity therein, or for the storage or safekeeping of anything
9 of value. Such a structure is an "occupied structure" whether
10 or not a person is actually present. However, for purposes
54 11 of this chapter, a box, chest, safe, changer, or other object
12 or device which is adapted or used for the deposit or storage
13 of anything of value but which is too small or not designed
14 to allow a person to physically enter or occupy it is not
15 an "occupied structure".

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

18 713.1 BURGLARY DEFINED. Any person, having the intent
19 to commit a felony, assault or theft therein, who, having
20 no right, license or privilege to do so, enters an occupied
21 structure ~~or-area-enclosed-in-such-a-manner-as-to-provide~~
22 ~~a-place-for-the-keeping-of-valuable-property-secure-from-theft~~
23 ~~or-eriminal-mischief~~, such occupied structure ~~or-plaee~~ not
24 being open to the public, or who remains therein after it
25 is closed to the public or after the person's right, license
26 or privilege to be there has expired, or any person having
* 27 such intent who breaks an occupied structure ~~or-ether-plaee~~
28 ~~where-anything-of-value-is-kept~~, commits burglary.

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

31 713.2 ATTEMPTED BURGLARY DEFINED. Any person, having
32 the intent to commit a felony, assault or theft therein, who,
33 having no right, license, or privilege to do so, attempts
34 to enter an occupied structure ~~or-area-enclosed-in-a-manner~~
35 ~~to-provide-a-place-for-the-keeping-of-valuable-property-secure~~

1 ~~from-theft-or-criminal-mischief~~, the occupied structure or
2 place not being open to the public, or who attempts to remain
3 therein after it is closed to the public or after the person's
4 right, license, or privilege to be there has expired, or any
*5 person having such intent who attempts to break an occupied
6 structure ~~or-other-place-where-anything-of-value-is-kept~~,
7 commits attempted burglary.

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HOUSE FILE 2334

S-5478

1 Amend House File 2334 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 11, by striking the words "this
4 chapter" and inserting in lieu thereof the word and
5 figure "chapter 713".

S-5478 FILED
MARCH 22, 1984

BY DONALD V. DOYLE

Adopted 4/2 (p. 1245)

SENATE AMENDMENT TO HOUSE FILE 2334

H-6073

1 Amend House File 2334 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 11, by striking the words "this
4 chapter" and inserting in lieu thereof the word and
5 figure "chapter 713".

H-6073 FILED APRIL 3, 1984

RECEIVED FROM THE SENATE
House Amendment 4/5 (p. 1282)

HOUSE FILE 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.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2334, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *May 10* __, 1984

TERRY E. BRANSTAD
Governor

H.F. 2334