

FEB 17 1998

HOUSE FILE 2313
BY KREIMAN

JUDICIARY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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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HF 2313

1 Section 1. Section 713.1, Code 1997, is amended to read as
2 follows:

3 713.1 BURGLARY DEFINED.

4 Any person, having the intent to commit a felony, assault,
5 criminal mischief, or theft therein, who, having no right,
6 license or privilege to do so, enters an occupied structure,
7 such occupied structure not being open to the public, or who
8 remains therein after it is closed to the public or after the
9 person's right, license or privilege to be there has expired,
10 or any person having such intent who breaks an occupied
11 structure, commits burglary.

12 Sec. 2. Section 713.2, Code 1997, is amended to read as
13 follows:

14 713.2 ATTEMPTED BURGLARY DEFINED.

15 Any person, having the intent to commit a felony, assault,
16 criminal mischief, or theft therein, who, having no right,
17 license, or privilege to do so, attempts to enter an occupied
18 structure, the occupied structure not being open to the
19 public, or who attempts to remain therein after it is closed
20 to the public or after the person's right, license, or
21 privilege to be there has expired, or any person having such
22 intent who attempts to break an occupied structure, commits
23 attempted burglary.

24 EXPLANATION

25 This bill expands the definition of burglary and attempted
26 burglary. The bill provides that a person, who has the intent
27 to commit criminal mischief by damaging or destroying property
28 and who enters an occupied structure without any right to
29 enter, commits burglary. If a person attempts to enter an
30 occupied structure to so damage or destroy property, that
31 person commits attempted burglary. Criminal mischief is
32 defined in Code section 716.1.

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