

Senate Study Bill 3161

Bill Text

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1 1 Section 1. Section [713.6A](#), Code 1999, is amended to read
1 2 as follows:
1 3 713.6A BURGLARY IN THE THIRD DEGREE.
1 4 1. All burglary which is not burglary in the first degree
1 5 or burglary in the second degree is burglary in the third
1 6 degree. Burglary in the third degree is

~~a class "D" felony~~

~~an~~

1 7 aggravated misdemeanor except as otherwise provided in
1 8 subsection 2.
1 9 2. Burglary in the third degree involving a burglary of an
1 10 occupied structure other than a motor vehicle or motor truck
1 11 as defined in section 321.1, or a vessel defined in section
1 12 462A.2, is a class "D" felony.

1 13 Sec. 2. Section [713.6B](#), Code 1999, is amended to read as
1 14 follows:

1 15 713.6B ATTEMPTED BURGLARY IN THE THIRD DEGREE.

1 16 1. All attempted burglary which is not attempted burglary
1 17 in the first degree or attempted burglary in the second degree
1 18 is attempted burglary in the third degree. Attempted burglary
1 19 in the third degree is

~~an aggravated~~

~~a serious misdemeanor~~

1 20 except as otherwise provided in subsection 2.

1 21 2. Attempted burglary in the third degree involving an
1 22 attempted burglary of an occupied structure other than a motor
1 23 vehicle or motor truck as defined in section 321.1, or a
1 24 vessel as defined in section 462A.2, is an aggravated
1 25 misdemeanor.

1 26 Sec. 3. Section [715A.2](#), subsection 2, paragraph a,
1 27 unnumbered paragraph 1, Code 1999, is amended to read as
1 28 follows:

1 29 Forgery is

~~a class "D" felony~~

~~an aggravated misdemeanor if~~

1 30 the writing is or purports to be any of the following:

1 31 Sec. 4. Section [715A.2](#), subsection 2, paragraph b, Code
1 32 1999, is amended to read as follows:

1 33

~~b.~~

~~(5)~~

~~Forgery is an aggravated misdemeanor if the~~

~~-~~

1 34

~~writing is or purports to be a~~

~~A will, deed, contract,~~

1 35 release, commercial instrument, or any other writing or other
2 1 document evidencing, creating, transferring, altering,
2 2 terminating, or otherwise affecting legal relations.

2 3 Sec. 5. Section [902.12](#), Code 1999, is amended by adding

2 4 the following new subsection:
2 5 NEW SUBSECTION. 6. Burglary in the first degree in
2 6 violation of section 713.3, subsection 1, paragraph "c" or
2 7 "d".

2 8 EXPLANATION

2 9 This bill relates to the criminal offenses of burglary and
2 10 forgery.

2 11 The bill changes the criminal penalties for burglary in the
2 12 third degree or attempted burglary in the third degree for a
2 13 burglary perpetrated upon an unoccupied motor vehicle, motor
2 14 truck, or vessel. The bill provides that a person who commits
2 15 burglary in the third degree on an unoccupied motor vehicle,
2 16 motor truck, or vessel commits an aggravated misdemeanor and a
2 17 person who commits attempted burglary in the third degree on
2 18 an unoccupied motor vehicle, motor truck, or vessel commits a
2 19 serious misdemeanor. Under the bill, a person who commits a
2 20 burglary on any other type of unoccupied structure which
2 21 includes a personal residence commits a class "D" felony.

2 22 The bill provides that an offender who is sentenced for the
2 23 offense of burglary in the first degree shall serve a sentence
2 24 that is subject to the maximum accumulation of good conduct
2 25 time of 15 percent of the total sentence, commonly known as an
2 26 85 percent sentence. The bill applies to burglary in the
2 27 first degree offenses that involve a person intentionally or
2 28 recklessly inflicting a bodily injury or committing sexual
2 29 abuse while perpetrating such a burglary. Burglary in the
2 30 first degree is a class "B" felony.

2 31 The bill also changes the penalty for forgery from a class
2 32 "D" penalty to an aggravated misdemeanor.

2 33 A serious misdemeanor is punishable by confinement for no
2 34 more than one year and a fine of at least \$250 but not more
2 35 than \$1,500. An aggravated misdemeanor is punishable by
3 1 confinement for no more than two years and a fine of at least
3 2 \$500 but not more than \$5,000. A class "D" felony is
3 3 punishable by confinement for no more than five years and a
3 4 fine of at least \$750 but not more than \$7,500. A class "B"
3 5 felony is punishable by confinement for no more than 25 years.

3 6 LSB 5780XC 78

3 7 jm/cf/24.1