

Senate Study Bill 1151

Bill Text

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1 1 Section 1. Section [713.6A](#), Code 2001, 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 2001, 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 2001, 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 2001, 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

EXPLANATION

2 4 This bill relates to the criminal offenses of burglary and
2 5 forgery.

2 6 The bill changes the criminal penalties for burglary in the
2 7 third degree or attempted burglary in the third degree for a
2 8 burglary perpetrated upon an unoccupied motor vehicle, motor
2 9 truck, or vessel. The bill provides that a person who commits
2 10 burglary in the third degree on an unoccupied motor vehicle,
2 11 motor truck, or vessel commits an aggravated misdemeanor and a
2 12 person who commits attempted burglary in the third degree on
2 13 an unoccupied motor vehicle, motor truck, or vessel commits a
2 14 serious misdemeanor. Under the bill, a person who commits a
2 15 burglary on any other type of unoccupied structure which
2 16 includes a personal residence commits a class "D" felony.

2 17 The bill also changes the penalty for forgery from a class
2 18 "D" penalty to an aggravated misdemeanor.

2 19 A serious misdemeanor is punishable by confinement for no
2 20 more than one year and a fine of at least \$250 but not more
2 21 than \$1,500. An aggravated misdemeanor is punishable by
2 22 confinement for no more than two years and a fine of at least
2 23 \$500 but not more than \$5,000. A class "D" felony is
2 24 punishable by confinement for no more than five years and a
2 25 fine of at least \$750 but not more than \$7,500.

2 26 LSB 2545XC 79
2 27 jm/cf/24