



OLR RESEARCH REPORT

November 14, 2007

2007-R-0652

PROPOSAL 10:

AN ACT CONCERNING PERSISTENT BURGLARY OFFENDERS.

By: Sandra Norman-Eady, Chief Attorney

You asked for a summary of Proposal 10, An Act Concerning Persistent Burglary Offenders for a Judiciary Committee public hearing scheduled for November 27, 2007.

The bill establishes a new category of persistent offenders. It requires the court to sentence persistent burglary offenders to the next more serious degree of felony under certain circumstances. The enhanced sentence is required when the offender's history and character and nature and circumstances of the offender's criminal conduct indicate that extended incarceration will best serve the public interest.

Under the bill, a persistent burglary offender is someone who (1) is convicted of 1st, 2nd, or 3rd degree burglary, including 2nd and 3rd degree burglary with a firearm, and (2) was charged with burglary twice before, whether or not the charges resulted in convictions. Thus, it is possible for two burglary offenders to be subject to different sentences for their first convictions. One with two prior burglary arrests could be subject to an enhanced penalty while another first-time offender with one or no prior burglary arrests could not.

The bill is effective upon passage.

Table 1 shows the current elements, classifications, and penalties for burglary crimes.

TABLE 1: BURGLARY CRIMES

| Crimes | Classifications | Penalties |
|---|------------------------|---|
| <p>1st Degree Burglary:</p> <p>Entering or remaining unlawfully in a building with intent to commit a crime and the actor:</p> <ol style="list-style-type: none"> 1. is armed with explosives, a deadly weapon, or a dangerous instrument or 2. intentionally, knowingly, or recklessly inflicts or attempts to inflict bodily injury on someone while attempting to commit the offense or while fleeing (CGS § 53a-101) | Class B felony | Up to 20 years in prison, five years of which cannot be suspended if armed. |
| <p>2nd Degree Burglary:</p> <ol style="list-style-type: none"> 1. Entering or remaining unlawfully in a dwelling at night with intent to commit a crime or 2. Entering or remaining unlawfully in a dwelling with intent to commit a crime while someone, other than a participant in the crime, is in the dwelling (CGS § 53a-102) | Class C Felony | Up to 10 years in prison |
| <p>2nd Degree Burglary with a Firearm:</p> <ol style="list-style-type: none"> 1. Committing 2nd degree burglary and the actor 2. (a) uses; (b) is armed with and threatens to use; or (c) displays or represents by words or conduct that he or she possesses, a pistol, revolver, rifle, shotgun, machine gun, or other firearm (CGS § 53a-102a) | Class C felony | Up to 10 years in prison, one year mandatory minimum |
| <p>3rd Degree Burglary:</p> <p>Entering or remaining unlawfully in a building with intent to commit a crime there (CGS § 53a-103)</p> | Class D felony | Up to five years in prison |
| <p>3rd Degree Burglary with a Firearm:</p> <ol style="list-style-type: none"> 1. Committing 3rd degree burglary and the actor 2. (a) uses, (b) is armed with and threatens to use, or (c) displays or represents by words or conduct that he or she possesses a pistol, revolver, rifle, shotgun, machine gun, or other firearm (CGS § 53a-103a) | Class D felony | Up to five years in prison, one year mandatory minimum |

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