



# House of Representatives

## File No. 754

General Assembly

January Session, 2001

**(Reprint of File No. 408)**

Substitute House Bill No. 7012  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 10, 2001

### **AN ACT CONCERNING DISORDERLY CONDUCT AND BURGLARY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-182 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 (a) A person is guilty of disorderly conduct when, with intent to  
4 cause inconvenience, annoyance or alarm, or recklessly creating a risk  
5 thereof, [he] such person: (1) Engages in fighting or in violent,  
6 tumultuous or threatening behavior; or (2) by offensive or disorderly  
7 conduct, annoys or interferes with another person; or (3) makes  
8 unreasonable noise; or (4) without lawful authority, disturbs any  
9 lawful assembly or meeting of persons; or (5) obstructs vehicular or  
10 pedestrian traffic; or (6) congregates with other persons in a public  
11 place and refuses to comply with a reasonable official request or order  
12 to disperse; or (7) commits simple trespass, as provided in section 53a-  
13 110a, and observes, in other than a casual or cursory manner, another  
14 person (A) without the knowledge or consent of such other person, (B)  
15 while such other person is inside a dwelling, as defined in section 53a-

16 100, and not in plain view, and (C) under circumstances where such  
17 other person has a reasonable expectation of privacy.

18 (b) Disorderly conduct is a class C misdemeanor.

19 Sec. 2. Section 53a-102 of the general statutes is repealed and the  
20 following is substituted in lieu thereof:

21 (a) A person is guilty of burglary in the second degree when [he]  
22 such person (1) enters or remains unlawfully in a dwelling at night  
23 with intent to commit a crime therein, or (2) enters or remains  
24 unlawfully in a dwelling, while a person other than a participant in the  
25 crime is actually present in such dwelling, with intent to commit a  
26 crime therein.

27 (b) Burglary in the second degree is a class C felony.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### ***OFA Fiscal Note***

***State Impact:*** Cost, Potential Revenue Gain

***Affected Agencies:*** Various Criminal Justice Agencies

***Municipal Impact:*** None

### **Explanation**

***State Impact:***

The bill would result in a cost to criminal justice agencies by increasing the penalties for certain offenses committed against victims inside dwellings. These costs include those associated with additional prosecution and public defense resources, court time, probation, incarceration and other state sanctions. The extent to which these offenses now occur but are subject to lower penalties is not known. It is anticipated that in the short term, marginal increases in penalties can be handled within the budgetary resources of the criminal justice system but that in the long term, enhanced penalties will increase the need for additional resources for these agencies.

### ***Disorderly Conduct and Simple Trespass***

The bill increases the penalty for certain types of offenses that are currently considered simple trespass. In these cases, it changes the current penalty of an infraction of \$77 to a fine of up to \$500 and up to three months imprisonment. There are about 5,500 simple trespass offenses that occur per year. The state collects about \$250,000 per year related to these offenses. The number of these that involve the

circumstances specified in the bill is unknown. The cost of three months imprisonment is about \$7,600<sup>1</sup>.

### ***Second and Third Degree Burglary***

The bill increases the maximum level of imprisonment for certain types of burglary from five to ten years. It also increases the maximum fine from \$5,000 to \$10,000. There are about 2,900 third degree burglary offenses per year. The state collects less than \$5,000 per year from fines related to these offenses. Although the number of third degree burglary cases that involve the circumstances specified in the bill is unknown, a potential doubling of the length of prison sentence could occur in some cases, which would result in a cost of \$152,000 per case. There were 650-700 people incarcerated on average during 2000 for third degree burglary. No additional revenue is anticipated since fines are rarely collected in these cases.

House "A" made a technical change to the bill and does not result in a fiscal impact.

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<sup>1</sup> This figure includes the cost of employee fringe benefits. The annual cost of incarceration is about \$30,400 on average.

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**OLR Amended Bill Analysis**

sHB 7012 (as amended by House "A")\*

**AN ACT CONCERNING DISORDERLY CONDUCT AND BURGLARY.****SUMMARY:**

This bill creates two new crimes, enhancing existing penalties for offenses committed against victims inside dwellings.

It extends the crime of second-degree burglary to people who unlawfully enter dwellings with the intent to commit a crime when someone (such as a resident) who is not participating in the crime is present. Current law covers night-time entries only, but applies whether or not anyone is in the home. Day time entries are third-degree offenses.

The bill also extends the crime of disorderly conduct to people who trespass (illegally come onto property, but have no intent to harm) and observe someone inside a dwelling. It gives "dwelling" the same meaning it has in the burglary statutes (i.e., a building usually occupied by a person lodging therein at night). The observation must occur (1) without the observed person's consent, (2) while he is not in plain view, and (3) under circumstances where he has a reasonable expectation of privacy. The bill exempts casual or cursory observations. Currently, such conduct is an infraction, not a crime.

Second-degree burglary is a class C felony, punishable by one to 10 years imprisonment, a fine of up to \$10,000, or both. Third-degree burglary is a class D felony, punishable by one to five years imprisonment, a fine of up to \$5,000, or both.

Disorderly conduct is a class C misdemeanor, punishable by up to three months imprisonment, a fine of up to \$500, or both. Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus court costs.

\*House Amendment "A" adds a definition of "dwelling" to the bill's

disorderly conduct provisions.

EFFECTIVE DATE: October 1, 2001

**DISORDERLY CONDUCT**

Under current law, a person commits disorderly conduct when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk of such, he:

1. fights or engages in other violent or threatening behavior;
2. annoys or interferes with another person in an offensive or disorderly manner;
3. makes unreasonable noise;
4. unlawfully disturbs an assembly or meeting;
5. obstructs traffic; or
6. congregates in public with others and disregards an official's reasonable order to disperse.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38    Nay 0