



General Assembly

January Session, 2007

Committee Bill No. 892

LCO No. 5321

05321SB00892JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING BURGLARY.

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

1 Section 1. Section 53a-101 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) A person is guilty of burglary in the first degree when [he] such
4 person enters or remains unlawfully in a building with intent to
5 commit a crime therein and: (1) [He] Such person uses or is armed
6 with and threatens the use of or displays or represents by such
7 person's words or conduct that such person possesses explosives or a
8 deadly weapon or dangerous instrument, or (2) in the course of
9 committing the offense, [he] such person intentionally, knowingly or
10 recklessly inflicts or attempts to inflict bodily injury on [anyone]
11 another person.

12 (b) An act shall be deemed "in the course of committing" the offense
13 if it occurs in an attempt to commit the offense or flight after the
14 attempt or commission.

15 (c) Burglary in the first degree is a class B felony provided any

16 person found guilty under subdivision (1) of subsection (a) shall be
17 sentenced to a term of imprisonment of which five years of the
18 sentence imposed may not be suspended or reduced by the court.

19 Sec. 2. Section 53a-102a of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2007*):

21 (a) A person is guilty of burglary in the second degree with a
22 firearm when [he] such person commits burglary in the second degree
23 as provided in section 53a-102, and in the commission of such offense
24 [he uses or] such person is armed with [and threatens the use of or
25 displays or represents by his words or conduct that he possesses] a
26 pistol, revolver, rifle, shotgun, machine gun or other firearm. No
27 person shall be convicted of burglary in the second degree and
28 burglary in the second degree with a firearm upon the same
29 transaction but such person may be charged and prosecuted for both
30 such offenses upon the same information.

31 (b) Burglary in the second degree with a firearm is a class C felony
32 for which one year of the sentence imposed shall not be suspended or
33 reduced by the court.

34 Sec. 3. Section 53a-103a of the general statutes is repealed and the
35 following is substituted in lieu thereof (*Effective October 1, 2007*):

36 (a) A person is guilty of burglary in the third degree with a firearm
37 when [he] such person commits burglary in the third degree as
38 provided in section 53a-103, and in the commission of such offense, [he
39 uses or] such person is armed with [and threatens the use of or
40 displays or represents by his words or conduct that he possesses] a
41 pistol, revolver, shotgun, rifle, machine gun or other firearm. No
42 person shall be convicted of burglary in the third degree and burglary
43 in the third degree with a firearm upon the same transaction but such
44 person may be charged and prosecuted for both such offenses upon
45 the same information.

46 (b) Burglary in the third degree with a firearm is a class D felony for
47 which one year of the sentence imposed shall not be suspended or
48 reduced by the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	53a-101
Sec. 2	October 1, 2007	53a-102a
Sec. 3	October 1, 2007	53a-103a

Statement of Purpose:

To address an anomaly in the burglary statutes where burglary committed with the use or threatened use of a firearm carries a lesser penalty than burglary committed while being armed with a firearm.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LOONEY, 11th Dist.

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