

2005 ASSEMBLY BILL 772

October 20, 2005 – Introduced by Representatives KRAWCZYK, VAN ROY, GRONEMUS, MUSSER, OWENS, GUNDRUM, HAHN, GUNDERSON, GARD, BALLWEG, ALBERS, HINES, McCORMICK, PETROWSKI and OTT, cosponsored by Senators GROTHMAN, LASSA, DARLING, A. LASEE, HANSEN and ROESSLER. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to create* 943.10 (1j) of the statutes; **relating to:** burglary and providing
2 a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person is guilty of burglary if he or she intentionally enters a building, a dwelling, or one of a number of other specified places without the consent of a lawful owner or occupant and with intent to steal or commit a felony in the building, dwelling, or other place. A person convicted of burglary may be fined not more than \$25,000 or sentenced to a term of imprisonment of not more than 12.5 years, which, as in other cases, includes a term of confinement and a term of extended supervision if the sentence is for more than one year or both. More severe penalties apply if the person commits the offense while armed; if, during the burglary, the person intentionally causes bodily harm to a person lawfully inside the building, dwelling, or other place; or if the person uses explosives to open a depository in the building, dwelling, or other place.

This bill prohibits a person from intentionally entering a dwelling, including a motor home or a trailer, without the consent of a lawful owner or occupant and with intent to cause bodily harm to a person who is legally present there. A person who violates this prohibition may be fined not more than \$10,000 or sentenced to a term of imprisonment of not more than six years or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

