

2020 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE HILFERTY

CRIME: Creates the crime of first degree burglary

1 AN ACT

2 To enact R.S. 14:62.1, relative to burglary; to create the crime of first degree burglary; to
3 provide for the elements of the offense; to provide for criminal penalties; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:62.1 is hereby enacted to read as follows:

7 §62.1. First degree burglary

8 A. First degree burglary is the unauthorized entering of any dwelling,
9 structure, watercraft, or movable with the intent to commit a felony or any theft
10 therein under any of the following circumstances:

11 (1) The offender is armed with a dangerous weapon.

12 (2) After entering, the offender arms himself with or possesses a dangerous
13 weapon.

14 B. Whoever commits the crime of first degree burglary shall be imprisoned
15 at hard labor for not less than three nor more than twelve years. At least three years
16 of the sentence imposed shall be without benefit of parole, probation, or suspension
17 of sentence.

DIGEST

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HB 450 Original

2020 Regular Session

Hilferty

Abstract: Creates the crime of first degree burglary, provides for the elements of the offense, and provides for criminal penalties.

Present law defines the crime of simple burglary as the unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with the intent to commit a felony or any theft therein.

Present law defines the crime of simple burglary of an inhabited home as the unauthorized entry of any inhabited dwelling, house, apartment, or other structure used in whole or in part as a home or place of abode by a person or persons with the intent to commit a felony or any theft therein.

Present law defines the crime of aggravated burglary as the unauthorized entering of any inhabited dwelling, or of any structure, watercraft, or movable where a person is present, with the intent to commit a felony or any theft therein, under any of the following circumstances:

- (1) The offender is armed with a dangerous weapon.
- (2) After entering, the offender arms himself with a dangerous weapon.
- (3) The offender commits a battery upon any person while in such place, or in entering or leaving such place.

Proposed law retains present law and creates the crime of first degree burglary defining the crime as the unauthorized entering of any dwelling, structure, watercraft, or movable with the intent to commit a felony or any theft therein under any of the following circumstances:

- (1) The offender is armed with a dangerous weapon.
- (2) After entering, the offender arms himself with or possesses a dangerous weapon.

Proposed law provides that whoever commits the proposed law crime shall be imprisoned at hard labor for not less than three nor more than 12 years. At least three years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

(Adds R.S. 14:62.1)