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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 312

01/11/2023

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The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; amending certain burglary crimes following a trespass  
1.3 notice; amending Minnesota Statutes 2022, section 609.582, subdivisions 3, 4.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2022, section 609.582, subdivision 3, is amended to read:

1.6 Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section,  
1.7 whoever enters a building without consent and with intent to steal or commit any felony or  
1.8 gross misdemeanor while in the building, or enters a building without consent and steals or  
1.9 commits a felony or gross misdemeanor while in the building, either directly or as an  
1.10 accomplice, commits burglary in the third degree and may be sentenced to imprisonment  
1.11 for not more than five years or to payment of a fine of not more than \$10,000, or both.

1.12 (b) Whoever enters a building that is open to the public, other than a building identified  
1.13 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building  
1.14 that is open to the public, other than a building identified in subdivision 2, paragraph (b),  
1.15 and steals while in the building, either directly or as an accomplice, commits burglary in  
1.16 the third degree and may be sentenced to imprisonment for not more than five years or to  
1.17 payment of a fine of not more than \$10,000, or both, if:

1.18 (1) the person enters the building within one year after being told to leave the building  
1.19 and not return; and

1.20 (2) the person has been convicted within the preceding five years for an offense under  
1.21 this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.53, 609.625, 609.63,  
1.22 609.631, or 609.821, or a statute from another state, the United States, or a foreign

2.1 jurisdiction, in conformity with any of those sections, and the person received a felony  
2.2 sentence for the offense, or a sentence that was stayed under section 609.135 if the offense  
2.3 to which a plea was entered would allow imposition of a felony sentence.

2.4 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
2.5 committed on or after that date.

2.6 Sec. 2. Minnesota Statutes 2022, section 609.582, subdivision 4, is amended to read:

2.7 Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent  
2.8 and with intent to commit a misdemeanor other than to steal, or enters a building without  
2.9 consent and commits a misdemeanor other than to steal while in the building, either directly  
2.10 or as an accomplice, commits burglary in the fourth degree and may be sentenced to  
2.11 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,  
2.12 or both.

2.13 (b) Whoever enters a building that is open to the public, other than a building identified  
2.14 in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building  
2.15 that is open to the public, other than a building identified in subdivision 2, paragraph (b),  
2.16 and steals while in the building, either directly or as an accomplice, commits burglary in  
2.17 the fourth degree and may be sentenced to imprisonment for not more than one year or to  
2.18 payment of a fine of not more than \$3,000, or both if the person enters the building within  
2.19 one year after being told to leave the building and not return.

2.20 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to crimes  
2.21 committed on or after that date.