

IN THE SENATE

SENATE BILL NO. 1130

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO BURGLARY; AMENDING SECTION 18-1401, IDAHO CODE, TO REVISE THE  
2 DEFINITION OF "BURGLARY"; AND AMENDING SECTION 18-1401A, IDAHO CODE, TO  
3 REVISE THE DEFINITION OF "COMMERCIAL BURGLARY."  
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 18-1401, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 18-1401. BURGLARY DEFINED. Every person who enters any house, room,  
9 apartment, tenement, store, shop, warehouse, mill, barn, stable, outhouse,  
10 or a building ~~other than one defined in section 18-1401A, Idaho Code,~~ tent,  
11 vessel, vehicle, trailer, airplane, or railroad car with intent to commit  
12 any theft or any felony is guilty of burglary.

13 SECTION 2. That Section 18-1401A, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 18-1401A. COMMERCIAL BURGLARY DEFINED. ~~Every~~ Any person who ~~enters~~  
16 ~~a commercial establishment during business hours~~ commits a burglary as de-  
17 fined in section 18-1401, Idaho Code, with the intent to commit ~~any~~ theft  
18 and the theft is from a commercial retailer during business hours and the  
19 amount of the theft is under three hundred dollars (\$300) is guilty of com-  
20 mercial burglary. Any person who pleads guilty to, or is found guilty of, a  
21 violation of this section for the first time is guilty of a misdemeanor and  
22 may be sentenced to a jail sentence not to exceed six (6) months, a fine of  
23 one thousand dollars (\$1,000), or both. Any person who pleads guilty to,  
24 or is found guilty of, a violation of this section who previously has been  
25 found guilty of, or has pled guilty to, a violation of the provisions of this  
26 section within five (5) years is guilty of a misdemeanor and may be sentenced  
27 to a jail sentence not to exceed one (1) year, a fine of two thousand dollars  
28 (\$2,000), or both. Any person who pleads guilty to, or is found guilty of,  
29 a violation of this section who previously has been found guilty of, or has  
30 pled guilty to, two (2) or more violations of the provisions of this section  
31 within five (5) years, notwithstanding the form of the judgments or withheld  
32 judgments, shall be guilty of a felony.