



SPONSOR: Rep. Bolden

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1  
TO  
HOUSE BILL NO. 77

1 AMEND House Bill No. 77 by striking line 31 in its entirety and inserting in lieu thereof the following:

2 “§ 826 Burglary in the first degree; class C or B felony.”

3 FURTHER AMEND House Bill No. 77 by striking line 43 in its entirety and inserting in lieu thereof the following  
4 and redesignating accordingly:

5 “(c) Burglary in the first degree is a class C felony. A person convicted of Burglary in the first degree shall receive  
6 a minimum sentence of 1 year at Level V.”

7 (d) Notwithstanding any provision of this section or Code to the contrary, where a person is convicted of Burglary  
8 in the first degree pursuant to § 826(a) and who either (1) is armed with explosives or a deadly weapon; or (2) causes  
9 physical injury to any person who is not a participant in the crime, Burglary in the first degree is a class B felony.”

10 FURTHER AMEND House Bill No. 77 on line 120 by adding after “night” and before the period the following:

11 “including a building that has been adapted or is customarily used for overnight accommodation.”

12 FURTHER AMEND House Bill No. 77 on line 121 by striking “building which is usually occupied by a person  
13 lodging therein at night” as it appears therein and inserting in lieu thereof “dwelling”.

SYNOPSIS

This amendment clarifies that Burglary in the first degree is a Class C felony and has a 1 year minimum sentence. However, if during the commission of Burglary in the first degree, the person is armed with a deadly weapon or causes physical injury to a person who is not a participant in the crime, the minimum sentence is 2 years. Finally, this amendment makes changes to the definition of “dwelling” and “occupied dwelling” to be consistent with recent United States Supreme Court caselaw.