

ASSEMBLY, No. 2324

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1996

By Assemblyman WEINGARTEN

1 AN ACT concerning burglary and amending N.J.S.2C:18-2.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State  
4 of New Jersey:

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6 1. N.J.S.2C:18-2 is amended to read as follows:

7 2C:18-2. Burglary. a. Burglary defined. A person is guilty of  
8 burglary if, with purpose to commit an offense therein he:

9 (1) Enters a research facility, structure, or a separately secured or  
10 occupied portion thereof unless the structure was at the time open to  
11 the public or the actor is licensed or privileged to enter; or

12 (2) Surreptitiously remains in a research facility, structure, or a  
13 separately secured or occupied portion thereof knowing that he is not  
14 licensed or privileged to do so.

15 b. Grading. Burglary is a crime of the second degree if in the  
16 course of committing the offense, the actor:

17 (1) Purposely, knowingly or recklessly inflicts, attempts to inflict  
18 or threatens to inflict bodily injury on anyone; or

19 (2) Is armed with or displays what appear to be explosives or a  
20 deadly weapon.

21 Otherwise burglary is a crime of the third degree.

22 Any person who commits an offense under this section shall be  
23 sentenced to a term of imprisonment. The term of imprisonment shall  
24 include the imposition of a minimum term which shall be fixed at, or  
25 between, one-third and one-half of the sentence imposed, during which  
26 the defendant shall be ineligible for parole.

27 An act shall be deemed "in the course of committing" an offense if  
28 it occurs in an attempt to commit an offense or in immediate flight  
29 after the attempt or commission.

30 (cf: P.L.1995, c.20, s.3)

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32 2. This act shall take effect immediately.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

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STATEMENT

This bill provides for a mandatory minimum term of imprisonment for the crime of burglary in the second degree or third degree. The term of imprisonment would be fixed at, or between, one-third and one-half of the sentence imposed, during which the defendant shall be ineligible for parole.

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Imposes mandatory minimum terms of imprisonment for burglary.