

SENATE, No. 639

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator GIRGENTI

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

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

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

8 2C:18-1. In this chapter, unless a different meaning plainly is
9 required, "structure" means any building, room, ship, vessel, car,
10 vehicle or airplane, and also means any place adapted for overnight
11 accommodation of persons, or for carrying on business therein,
12 whether or not a person is actually present and "dwelling" means any
13 building used by a person as a place of residence.

14 (cf: P.L.1980, c.112, s.1)

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

17 2C:18-2. Burglary. a. Burglary defined. A person is guilty of
18 burglary if, with purpose to commit an offense therein he:

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

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

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

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

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

31 Burglary is also a crime of the second degree if the structure
32 entered is a dwelling.

33 Otherwise burglary is a crime of the third degree. An act shall be
34 deemed "in the course of committing" an offense if it occurs in an

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

Matter underlined thus is new matter.

1 attempt to commit an offense or in immediate flight after the attempt
2 or commission.

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

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5 3. This act shall take effect immediately.

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STATEMENT

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10 Presently, burglary is punishable as a crime of the second degree if
11 the defendant either was armed or inflicted bodily injury during the
12 course of the offense. In all other circumstances, burglary is a crime
13 of the third degree. This bill would classify any burglary of a structure
14 used as a dwelling as a crime of the second degree.

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19 Classifies burglary of a residence as a crime of the second degree.