

Burglary Laws and Punishments

Kansas – Burglary (21–3715 (a) (b) & 21-3716)

Burglary - Person

Knowingly without authority enter into or remain within any dwelling with intent to commit felony, theft or sexual battery therein.

Sentencing grid for severity level 7 depending on category provides presumptive probation range of 11 months to 29 months and presumptive imprisonment range of 27 to 34 months.

Burglary - Nonperson

Knowingly without authority enter into or remain within any building not a dwelling with intent to commit a felony, theft or sexual battery therein.

Sentencing grid for severity level 7 depending on category provides presumptive probation range of 11 months to 29 months and presumptive imprisonment range of 27 to 34 months.

Aggravated Burglary - Person

Knowingly w/o authority enter into or remain within any structure or conveyance in which there is a human being, w/intent to commit a felony, theft or sexual battery therein.

Sentencing grid for severity level 5 depending on category provides presumptive imprisonment range of 31 months to 136 months, with border box range of 31 months to 38 months.

Massachusetts – Burglary (Chapter 266: Section 14 & 15)

Burglary; armed; assault on occupants; weapons; punishment

Whoever breaks and enters a dwelling house in the night time, with intent to commit a felony, or whoever, after having entered with such intent, breaks such dwelling house in the night time, any person being then lawfully therein, and the offender being armed with a dangerous weapon at the time of such breaking or entry, or so arming himself in such house, or making an actual assault on a person lawfully therein, shall be punished by imprisonment in the state prison for life or for any term of not less than ten years.

Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 15 years. Whoever commits a subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 20 years. The sentence imposed upon a person who, after being convicted of any offence mentioned in this section, commits the like offence, or any other of the offences therein mentioned, shall not be suspended, nor shall he be placed on probation.

Burglary; unarmed

Whoever breaks and enters a dwelling house in the night time, with the intent mentioned in the preceding section, or, having entered with such intent, breaks such dwelling house in the night time, the offender not being armed, nor arming himself in such house, with a dangerous weapon, nor making an assault upon a person lawfully

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therein, shall be punished by imprisonment in the state prison for not more than twenty years and, if he shall have been previously convicted of any crime named in this or the preceding section, for not less than five years.

Minnesota – Burglary (609.582)

Burglary in the first degree

Whoever enters a building without consent and with intent to commit a crime, or enters a building without consent and commits a crime while in the building, either directly or as an accomplice, commits burglary in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both, if:

- (a) the building is a dwelling and another person, not an accomplice, is present in it when the burglar enters or at any time while the burglar is in the building;
- (b) the burglar possesses, when entering or at any time while in the building, any of the following: a dangerous weapon, any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or an explosive; or
- (c) the burglar assaults a person within the building or on the building's appurtenant property.

Mandatory minimum sentence for burglary of occupied dwelling.

A person convicted of committing burglary of an occupied dwelling, as defined above, must be committed to the commissioner of corrections or county workhouse for not less than six months.

Burglary in the second degree

Whoever enters a building without consent and with intent to commit a crime, or enters a building without consent and commits a crime while in the building, either directly or as an accomplice, commits burglary in the second degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if:

- (a) the building is a dwelling;
- (b) the portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping and the entry is with force or threat of force;
- (c) the portion of the building entered contains a pharmacy or other lawful business or practice in which controlled substances are routinely held or stored, and the entry is forcible; or
- (d) when entering or while in the building, the burglar possesses a tool to gain access to money or property.

Burglary in the third degree

Whoever enters a building without consent and with intent to steal or commit any felony or gross misdemeanor while in the building, or enters a building without consent and steals or commits a felony or gross misdemeanor while in the building, either directly or as an accomplice, commits burglary in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Burglary in the fourth degree

Whoever enters a building without consent and with intent to commit a misdemeanor other than to steal, or enters a building without consent and commits a misdemeanor other than to steal while in the building, either directly or as an accomplice, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

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Pennsylvania – Burglary (Chapter 35 Section 3502)

(a) Offense defined.--A person is guilty of burglary if he enters a building or occupied structure, or separately secured or occupied portion thereof, with intent to commit a crime therein, unless the premises are at the time open to the public or the actor is licensed or privileged to enter.

(c) Grading.--

(1) Except as provided in paragraph (2), burglary is a felony of the first degree.

(2) If the building, structure or portion entered is not adapted for overnight accommodation and if no individual is present at the time of entry, burglary is a felony of the second degree.

(d) Multiple convictions.--A person may not be convicted both for burglary and for the offense which it was his intent to commit after the burglarious entry or for an attempt to commit that offense, unless the additional offense constitutes a felony of the first or second degree.

The Pennsylvania sentencing matrix provides sentence range for burglary of home with person present, depending on prior record score, of: state incarceration for 12 months to 72 months with option of Boot Camp for 12 to 48 months. A range of 60 to 72 months for repeat violent felony 1 and felony 2 category offenders and a sentence of 120 months for repeat violent offender category.

For burglary of a home with no person present the sentencing matrix provides a sentence range depending on prior record score, of: state or county incarceration for 6 to 45 months with the option of boot camp for 6 to 30 months, and a sentence of state incarceration for repeat felony 1 and felony 2 offender category for 35 to 45 months.