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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **867**

February 12, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to crime; amending the crime of burglary in the second degree;
1.3 prescribing penalties; amending Minnesota Statutes 2006, sections 609.581, by
1.4 adding subdivisions; 609.582, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 609.581, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 5. **Government building.** "Government building" means a building that
1.9 is owned, leased, controlled, or operated by a governmental entity for a governmental
1.10 purpose.

1.11 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes
1.12 committed on or after that date.

1.13 Sec. 2. Minnesota Statutes 2006, section 609.581, is amended by adding a subdivision
1.14 to read:

1.15 Subd. 6. **Religious establishment.** "Religious establishment" means a building
1.16 used for worship services by a religious organization and clearly identified as such by a
1.17 posted sign or other means.

1.18 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes
1.19 committed on or after that date.

1.20 Sec. 3. Minnesota Statutes 2006, section 609.581, is amended by adding a subdivision
1.21 to read:

2.1 Subd. 7. **School building.** "School building" means a public or private elementary,
2.2 middle, or secondary school building.

2.3 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes
2.4 committed on or after that date.

2.5 Sec. 4. Minnesota Statutes 2006, section 609.582, subdivision 2, is amended to read:

2.6 Subd. 2. **Burglary in the second degree.** (a) Whoever enters a building without
2.7 consent and with intent to commit a crime, or enters a building without consent and
2.8 commits a crime while in the building, either directly or as an accomplice, commits
2.9 burglary in the second degree and may be sentenced to imprisonment for not more than
2.10 ten years or to payment of a fine of not more than \$20,000, or both, if:

2.11 ~~(a)~~ (1) the building is a dwelling;

2.12 ~~(b)~~ (2) the portion of the building entered contains a banking business or other
2.13 business of receiving securities or other valuable papers for deposit or safekeeping and
2.14 the entry is with force or threat of force;

2.15 ~~(c)~~ (3) the portion of the building entered contains a pharmacy or other lawful
2.16 business or practice in which controlled substances are routinely held or stored, and the
2.17 entry is forcible; or

2.18 ~~(d)~~ (4) when entering or while in the building, the burglar possesses a tool to gain
2.19 access to money or property.

2.20 (b) Whoever enters a government building, religious establishment, or school
2.21 building without consent and with intent to commit a crime under section 609.52 or
2.22 609.595, or enters a government building, religious establishment, or school building
2.23 without consent and commits a crime under section 609.52 or 609.595 while in the
2.24 building, either directly or as an accomplice, commits burglary in the second degree and
2.25 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
2.26 not more than \$20,000, or both.

2.27 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes
2.28 committed on or after that date.