

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **867**

February 12, 2007

Authored by Bigham, Smith, Simon, Berns, Olin and others

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

March 21, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

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 preschool,
2.2 elementary school, middle school, secondary school, or postsecondary 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 609.581, is amended by adding a subdivision
2.6 to read:

2.7 Subd. 8. **Historic property.** "Historic property" means any property identified
2.8 as a historic site or historic place by sections 138.661 to 138.664 and clearly identified
2.9 as such by a posted sign or other means.

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

2.12 Sec. 5. Minnesota Statutes 2006, section 609.582, subdivision 2, is amended to read:

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

2.18 (a) (1) the building is a dwelling;

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

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

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

2.27 (b) Whoever enters a government building, religious establishment, historic property,
2.28 or school building without consent and with intent to commit a crime under section 609.52
2.29 or 609.595, or enters a government building, religious establishment, historic property, or
2.30 school building without consent and commits a crime under section 609.52 or 609.595
2.31 while in the building, either directly or as an accomplice, commits burglary in the second
2.32 degree and may be sentenced to imprisonment for not more than ten years or to payment
2.33 of a fine of not more than \$20,000, or both.

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