

21-5807. Burglary; aggravated burglary. (a) Burglary is, without authority, entering into or remaining within any:

- (1) Dwelling, with intent to commit a felony, theft or sexually motivated crime therein;
- (2) building, manufactured home, mobile home, tent or other structure which is not a dwelling, with intent to commit a felony, theft or sexually motivated crime therein; or
- (3) vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property, with intent to commit a felony, theft or sexually motivated crime therein.

(b) Aggravated burglary is, without authority, entering into or remaining within any building, manufactured home, mobile home, tent or other structure, or any vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property in which there is a human being with intent to commit a felony, theft or sexually motivated crime therein.

(c) (1) Burglary as defined in:

- (A) Subsection (a)(1) is a severity level 7, person felony, except as provided in subsection (c)(2);
- (B) subsection (a)(2) is a severity level 7, nonperson felony, except as provided in subsection (c)(2);
- (C) subsection (a)(3) is a severity level 9, nonperson felony, except as provided in subsection (c)(2); and
- (2) subsection (a)(1), (a)(2) or (a)(3) with the intent to commit the theft of a firearm is a severity level 5, nonperson felony.

(3) Aggravated burglary is a severity level 5, person felony.

(d) As used in this section, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

History: L. 2010, ch. 136, § 93; L. 2012, ch. 150, § 19; L. 2013, ch. 64, § 3; July 1.