

2020 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE HILFERTY

CRIME: Provides penalties for simple burglary committed under certain circumstances

1 AN ACT

2 To amend and reenact R.S. 14:62(B), relative to burglary; to provide relative to the crime
3 of simple burglary; to provide for certain penalties when the offense is committed
4 with a firearm under certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:62(B) is hereby amended and reenacted to read as follows:

7 §62. Simple burglary

8 * * *

9 B.(1) ~~Whoever~~ Except as provided in Paragraph (2) of this Subsection,
10 whoever commits the crime of simple burglary shall be fined not more than two
11 thousand dollars, imprisoned with or without hard labor for not more than twelve
12 years, or both.

13 (2) If the offender, while committing the crime of simple burglary, is armed
14 with a firearm or, after entering, arms himself with or possesses a firearm, the
15 offender shall be imprisoned with or without hard labor for not less than three nor
16 more than twelve years. At least one year of the sentence imposed shall be without
17 benefit of parole, probation, or suspension of sentence.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 450 Engrossed

2020 Regular Session

Hilferty

Abstract: Amends the crime of simple burglary to provide specific penalties that apply when the crime is committed with a firearm under certain circumstances.

Present law defines the crime of simple burglary as the unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with the intent to commit a felony or any theft therein.

Present law provides that whoever commits the crime of simple burglary shall be fined not more than \$2,000, imprisoned with or without hard labor for not more than 12 years, or both.

Proposed law retains present law and adds that if the offender, while committing the present law crime of simple burglary, is armed with a firearm or, after entering, arms himself with or possesses a firearm, the offender shall be imprisoned with or without hard labor for not less than three nor more than 12 years. Further provides that at least one year of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

(Amends R.S. 14:62(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law provisions creating the crime of first degree burglary and providing criminal penalties for violations of the proposed law crime.
2. Amend present law crime of simple burglary to provide specific penalties that apply when the crime is committed with a firearm under certain circumstances.