



# OLR RESEARCH REPORT

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## **BURGLARY STATUTES**

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You asked for a summary of the burglary statutes.

### **SUMMARY**

Burglary is punishable under five different statutes. Depending on the conduct involved, it is a class B, C, or D felony. In addition, a mandatory minimum sentence of one or five years applies if a weapon is involved. Also, manufacturing or possessing burglar's tools is a class A misdemeanor.

Burglary crimes involve entering either a building or a dwelling with intent to commit a crime. A "dwelling" is a building usually occupied by someone lodging there at night. A "building" is broadly defined to include in addition to its ordinary meaning, a watercraft, aircraft, trailer, sleeping car, railroad car, or other structure, vehicle, or building with a valid certificate of occupancy. It is an affirmative defense to burglary that the building was abandoned (CGS § 53a-100 et seq.).

### **1<sup>ST</sup> DEGREE BURGLARY**

A person commits this crime by entering or remaining unlawfully in a building with intent to commit a crime and either:

1. is armed with explosives, a deadly weapon, or a dangerous instrument or

2. intentionally, knowingly, or recklessly inflicts or attempts to inflict bodily injury on someone while attempting to commit the offense or while fleeing.

This is a class B felony. A five-year minimum mandatory sentence applies if the person was armed.

### **2<sup>ND</sup> DEGREE BURGLARY**

A person commits this crime by either:

1. entering or remaining unlawfully in a dwelling at night with intent to commit a crime or
2. entering or remaining unlawfully in a dwelling with intent to commit a crime, while someone other than a participant in the crime is in the dwelling.

This is a class C felony.

### **2<sup>ND</sup> DEGREE BURGLARY WITH A FIREARM**

A person commits this crime by:

1. committing 2<sup>nd</sup> degree burglary and
2. using, being armed with and threatening the use of, displaying, or representing by words or conduct that he or she possess, a pistol, revolver, rifle, shotgun, machine gun, or other firearm.

This is a class C felony with a one year mandatory minimum sentence.

### **3<sup>RD</sup> DEGREE BURGLARY**

A person commits this crime by entering or remaining unlawfully in a building with intent to commit a crime there.

This is a Class D felony.

### 3<sup>RD</sup> DEGREE BURGLARY WITH A FIREARM

A person commits this crime by:

1. committing 3<sup>rd</sup> degree burglary and
2. using, being armed with and threatening the use of, displaying, or representing by words or conduct that he or she possess, a pistol, revolver, rifle, shotgun, machine gun, or other firearm.

This is a Class D felony with a one year mandatory minimum sentence.

### ELEMENTS AND SENTENCING REQUIREMENTS FOR BURGLARY CRIMES

The chart below compares the elements and penalties of the different burglary crimes.

<b>ELEMENTS AND PENALTIES FOR BURGLARY CRIMES</b>							
<b>Crime</b>	<b>Time of Crime</b>	<b>Unlawful Entry</b>	<b>Location of Crime</b>	<b>Intent</b>	<b>Attendant Circumstances</b>	<b>Weapon</b>	<b>Sentence</b>
Burglary, 1 <sup>st</sup> degree (CGS § 53a-101(a)(1))	Anytime	Enters or remains unlawfully	Building	To commit a crime therein	Armed with weapon	Explosive, deadly weapon, or dangerous instrument	B felony, five years mandatory
Burglary, 1 <sup>st</sup> degree (CGS § 53a-101(a)(2))	Anytime	Same	Building	Same	Intentionally, knowingly, or recklessly inflicts or attempts to inflict bodily injury on someone while attempting to commit the offense or while fleeing	-	B felony
Burglary, 2 <sup>nd</sup> degree (CGS § 53a-102)	At night <b>or</b> anytime someone is home	Same	Dwelling (dwelling is a type of building (see <i>State v. Perez</i> , 78 Conn. App. 610 (2003))	Same	-	-	C felony
Burglary, 2 <sup>nd</sup> degree with a firearm (CGS § 53a-102a)	At night <b>or</b> anytime someone is home	Same	Dwelling	Same	Uses, armed with and threatens use, displays, or represents that he or she possesses a firearm	Pistol, revolver, rifle, shotgun, machine gun, or other firearm	C felony, one year mandatory
Burglary 3 <sup>rd</sup> degree (CGS § 53a-103)	Anytime	Same	Building	Same	-	-	D felony
Burglary 3 <sup>rd</sup> degree with a firearm (CGS § 53a-103a)	Anytime	Same	Building	Same	Uses, armed with and threatens use, displays, or represents that he or she possesses a firearm	Pistol, revolver, rifle, shotgun, machine gun, or other firearm	D felony, one year mandatory

## **PENALTIES FOR CLASSIFIED CRIMES**

The chart below displays the penalties for classified crimes.

<b><i>Classification of Crime</i></b>	<b><i>Punishment</i></b>
Capital felony	Execution or life imprisonment
Class A felony (murder)	25 to 60 years, up to \$ 20,000, or both
Class A felony	10 to 25 years, up to \$ 20,000, or both
Class B felony	1 to 20 years, up to \$15,000, or both
Class C felony	1 to 10 years, up to \$ 10,000, or both
Class D felony	1 to five years, up to \$ 5,000, or both
Class A misdemeanor	Up to one year, \$2,000, or both
Class B misdemeanor	Up to six months, \$1,000, or both
Class C misdemeanor	Up to three months, \$500, or both

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