

---

## 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 Original

2020 Regular Session

Hilferty

**Abstract:** Creates the crime of first degree burglary, provides for the elements of the offense, and provides for criminal penalties.

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 defines the crime of simple burglary of an inhabited home as the unauthorized entry of any inhabited dwelling, house, apartment, or other structure used in whole or in part as a home or place of abode by a person or persons with the intent to commit a felony or any theft therein.

Present law defines the crime of aggravated burglary as the unauthorized entering of any inhabited dwelling, or of any structure, watercraft, or movable where a person is present, with the intent to commit a felony or any theft therein, under any of the following circumstances:

- (1) The offender is armed with a dangerous weapon.
- (2) After entering, the offender arms himself with a dangerous weapon.
- (3) The offender commits a battery upon any person while in such place, or in entering or leaving such place.

Proposed law retains present law and creates the crime of first degree burglary defining the crime as the unauthorized entering of any dwelling, structure, watercraft, or movable with the intent to commit a felony or any theft therein under any of the following circumstances:

- (1) The offender is armed with a dangerous weapon.
- (2) After entering, the offender arms himself with or possesses a dangerous weapon.

Proposed law provides that whoever commits the proposed law crime shall be imprisoned at hard labor for not less than three nor more than 12 years. At least three years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

(Adds R.S. 14:62.1)