

CHAPTER 113

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 99-1304

BY REPRESENTATIVES Grossman, Lee, McKay, and Piffner;
also SENATORS Wham, Arnold, Epps, Powers, and Sullivant.

AN ACT

CONCERNING THE STRENGTHENING OF THE CRIME OF BURGLARY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 18-4-201 (3), Colorado Revised Statutes, is amended to read:

18-4-201. Definitions. As used in this article, unless the context otherwise requires:

(3) A person "~~unlawfully~~" enters UNLAWFULLY" or "remains UNLAWFULLY" in or upon premises when ~~he~~ THE PERSON is not licensed, invited, or otherwise privileged to do so. A person who, regardless of his OR HER intent, enters or remains in or upon premises ~~which~~ THAT are at the time open to the public does so with license and privilege unless ~~he~~ THE PERSON defies a lawful order not to enter or remain, personally communicated to him OR HER by the owner of the premises or some other authorized person. A license or privilege to enter or remain in a building ~~which~~ THAT is only partly open to the public is not a license or privilege to enter or remain in that part of the building ~~which~~ THAT is not open to the public. Except as is otherwise provided in section 33-6-116 (1), C.R.S., a person who enters or remains upon unimproved and apparently unused land ~~which~~ THAT is neither fenced nor otherwise enclosed in a manner designed to exclude intruders does so with license and privilege unless notice against trespass is personally communicated to ~~him~~ THE PERSON by the owner of the land or some other authorized person or unless notice forbidding entry is given by posting with signs at intervals of not more than four hundred forty yards or, if there is a readily identifiable entrance to the land, by posting with signs at such entrance to the private land or the forbidden part of the land. In the case of a designated access road not otherwise posted, said notice shall be posted at the entrance to private land and shall be substantially as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

"ENTERING PRIVATE PROPERTY REMAIN ON ROADS".

SECTION 2. 18-4-202 (1), Colorado Revised Statutes, is amended to read:

18-4-202. First degree burglary. (1) A person commits first degree burglary if ~~he~~ THE PERSON knowingly enters UNLAWFULLY, or remains unlawfully AFTER A LAWFUL OR UNLAWFUL ENTRY, in a building or occupied structure with intent to commit therein a crime, other than trespass as defined in this article, against ~~a~~ ANOTHER person or property, and if in effecting entry or while in the building or occupied structure or in immediate flight therefrom, ~~he~~ THE PERSON or another participant in the crime assaults or menaces any person, or ~~he~~ THE PERSON or another participant is armed with explosives or a deadly weapon.

SECTION 3. 18-4-203 (1), Colorado Revised Statutes, is amended to read:

18-4-203. Second degree burglary. (1) A person commits second degree burglary, if ~~he~~ THE PERSON knowingly breaks an entrance into, ~~or~~ enters UNLAWFULLY IN, or remains unlawfully AFTER A LAWFUL OR UNLAWFUL ENTRY in a building or occupied structure with intent to commit therein a crime against ~~a~~ ANOTHER person or property.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to offenses committed on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 15, 1999