

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1752

4 By: Representatives Dietz and Vess

5
6

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §5-39-201 TO
9 DEFINE THE OFFENSES OF AGGRAVATED RESIDENTIAL BURGLARY AND
10 AGGRAVATED COMMERCIAL BURGLARY; AND FOR OTHER PURPOSES."

11

Subtitle

12
13 "TO DEFINE THE OFFENSES OF AGGRAVATED
14 RESIDENTIAL BURGLARY AND AGGRAVATED
15 COMMERCIAL BURGLARY"

16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18

19 SECTION 1. Arkansas Code Annotated §5-39-201 is amended to read as
20 follows:

21 "5-39-201. Residential burglary - Commercial burglary.

22 (a)(1)(A) A person commits residential burglary if he enters or
23 remains unlawfully in a residential occupiable structure of another person
24 with the purpose of committing therein any offense punishable by
25 imprisonment.

26 (B) Residential burglary is a Class B felony.

27 (2)(A) A person commits aggravated residential burglary if he
28 enters or remains unlawfully in a residential occupiable structure of another
29 person while armed with a deadly weapon as defined by §5-1-102, knowing or
30 having reason to know that one or more persons is present, with the purpose
31 of committing therein any offense punishable by imprisonment, and either uses
32 or threatens the use of force upon any person within the residential
33 occupiable structure.

34 (B) Aggravated residential burglary is a Class A felony.

35 (C) Aggravated residential burglary is a Class Y felony if

1 intentional injury is caused to any person within the residential occupiable
2 structure.

3 (b)(1)(A) A person commits commercial burglary if he enters or remains
4 unlawfully in a commercial occupiable structure of another person with the
5 purpose of committing therein any offense punishable by imprisonment.

6 (B) Commercial burglary is a Class C felony.

7 (2)(A) A person commits aggravated commercial burglary if he
8 enters or remains unlawfully in a commercial occupiable structure of another
9 person while armed with a deadly weapon as defined by §5-1-102, knowing or
10 having reason to know that one or more persons is present, with the purpose
11 of committing therein any offense punishable by imprisonment, and either uses
12 or threatens the use of force upon any person within the commercial
13 occupiable structure.

14 (B) Aggravated commercial burglary is a Class B felony.

15 (C) Aggravated commercial burglary is a Class A felony if
16 intentional injury is caused to any person within the commercial occupiable
17 structure."

18

19 SECTION 2. All provisions of this act of a general and permanent
20 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
21 Code Revision Commission shall incorporate the same in the Code.

22

23 SECTION 3. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

28

29 SECTION 4. All laws and parts of laws in conflict with this act are
30 hereby repealed.

31

32

33

34

35

1

2