

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1584

4
5 By: Representative Wooldridge
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 5-39-101 AND § 5-39-201 TO
10 MAKE EDUCATIONAL AND RELIGIOUS BURGLARY A SEPARATE
11 CRIMINAL OFFENSE AND PRESCRIBE A CRIMINAL PENALTY OF A
12 CLASS B FELONY FOR EDUCATIONAL OR RELIGIOUS BURGLARY; AND
13 FOR OTHER PURPOSES."

Subtitle

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15 "TO MAKE EDUCATIONAL AND RELIGIOUS
16 BURGLARY A SEPARATE CRIMINAL OFFENSE AND
17 PRESCRIBE A CRIMINAL PENALTY OF A CLASS
18 B FELONY."
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-39-101 is amended to read as follows:
24 "5-39-101. Definitions.

25 As used in this chapter, unless the context otherwise requires:

26 (1) Residential occupiable structure means a vehicle, building, or
27 other structure:

28 (A) Where any person lives; or

29 (B) Which is customarily used for overnight accommodation of
30 persons whether or not a person is actually present. Each unit of a
31 residential occupiable structure divided into separately occupied units is
32 itself a residential occupiable structure.

33 (2) Commercial occupiable structure means a vehicle, building, or
34 other structure:

35 (A) Where any person carries on a business or other calling; or

36 (B) Where people assemble for purposes of business, government,

1 ~~education, religion,~~ entertainment, or public transportation.

2 (3) Educational or religious occupiable structure means a vehicle,
 3 building, or other structure:

4 (A) Where any person carries on a religious or educational
 5 activity or administration; or

6 (B) Where people assemble for the purpose of conducting religious
 7 activities or for the purpose of carrying on educational programs, classes, or
 8 activities ancillary to the conduct of educational activities.

9 ~~——(3)(4)~~ Premises means occupiable structures and any real property.

10 ~~——(4)(5)~~ Enter or remain unlawfully means to enter or remain in or upon
 11 premises when not licensed or privileged to do so. A person who enters or
 12 remains in or upon premises that are at the time open to the public does so
 13 with license and privilege, regardless of his purpose, unless he defies a
 14 lawful order not to enter or remain personally communicated to him by the
 15 owner of the premises or some other person authorized by the owner. A license
 16 or privilege to enter or remain in or upon premises only part of which are
 17 open to the public is not a license or privilege to enter or remain in a part
 18 of the premises not open to the public. A person who enters or remains upon
 19 unimproved and apparently unused land not fenced or otherwise enclosed in a
 20 manner designed to exclude intruders does so with license and privilege unless
 21 notice not to enter or remain is personally communicated to him by the owner
 22 or some person authorized by the owner, or unless notice is given by posting
 23 in a conspicuous manner.

24 ~~——(5)(6)~~ Vehicle means any craft or device designed for the
 25 transportation of people or property across land or water or through the air."
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27 SECTION 2. Arkansas Code § 5-39-201 is amended to read as follows:

28 "5-39-201. Residential burglary - Commercial burglary.

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

32 (2) Residential burglary is a Class B felony.

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

36 (2) Commercial burglary is a Class C felony.

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

5 (2) Educational or religious burglary is a Class B felony."
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7 SECTION 3. All provisions of this act of general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 4. If any provisions of this act or the application thereof to
12 any person or circumstance is held invalid, the invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provisions or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 5. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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