
ASSEMBLY BILL NO. 174—COMMITTEE ON JUDICIARY

FEBRUARY 18, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the crime of burglary.
(BDR 15-912)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising provisions governing the crime of burglary; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Nevada Supreme Court recently addressed the issue of whether a person
2 can burglarize his or her own home and, in interpreting the statutory language
3 establishing the crime of burglary, determined that a person cannot commit
4 burglary of a home when the person has an absolute and unconditional right to
5 enter the home. (*State v. White*, 130 Nev. Adv. Op. 56, 330 P.3d 482 (2014)) Under
6 existing law, a person is guilty of the crime of burglary if the person enters, by day
7 or night, any building or certain other structures with the intent to commit grand or
8 petit larceny, assault or battery on any person or any felony, or to obtain money or
9 property by false pretenses. However, existing law provides that the crime of
10 burglary does not include the act of entering a commercial establishment during
11 business hours with the intent to commit petit larceny unless the person has
12 previously been convicted of certain crimes. (NRS 205.060) This bill: (1)
13 establishes that a person may be guilty of the crime of burglary regardless of
14 whether the building or structure the person enters is owned by that person or
15 another person; and (2) removes the provision which provides that the crime of
16 burglary does not include, except under certain circumstances, the act of entering a
17 commercial establishment during business hours with the intent to commit petit
18 larceny.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 205.060 is hereby amended to read as follows:

2 205.060 1. ~~Except as otherwise provided in subsection 5, a)~~

3 A person who, by day or night, enters any house, room, apartment,
4 tenement, shop, warehouse, store, mill, barn, stable, outhouse or
5 other building, tent, vessel, vehicle, vehicle trailer, semitrailer or
6 house trailer, airplane, glider, boat or railroad car, *whether owned*
7 *by that person or another person*, with the intent to commit grand
8 or petit larceny, assault or battery on any person or any felony, or to
9 obtain money or property by false pretenses, is guilty of burglary.

10 2. Except as otherwise provided in this section, a person
11 convicted of burglary is guilty of a category B felony and shall be
12 punished by imprisonment in the state prison for a minimum term of
13 not less than 1 year and a maximum term of not more than 10 years,
14 and may be further punished by a fine of not more than \$10,000. A
15 person who is convicted of burglary and who has previously been
16 convicted of burglary or another crime involving the forcible entry
17 or invasion of a dwelling must not be released on probation or
18 granted a suspension of sentence.

19 3. Whenever a burglary is committed on a vessel, vehicle,
20 vehicle trailer, semitrailer, house trailer, airplane, glider, boat or
21 railroad car, in motion or in rest, in this State, and it cannot with
22 reasonable certainty be ascertained in what county the crime was
23 committed, the offender may be arrested and tried in any county
24 through which the vessel, vehicle, vehicle trailer, semitrailer, house
25 trailer, airplane, glider, boat or railroad car traveled during the time
26 the burglary was committed.

27 4. A person convicted of burglary who has in his or her
28 possession or gains possession of any firearm or deadly weapon at
29 any time during the commission of the crime, at any time before
30 leaving the structure or upon leaving the structure, is guilty of a
31 category B felony and shall be punished by imprisonment in the
32 state prison for a minimum term of not less than 2 years and a
33 maximum term of not more than 15 years, and may be further
34 punished by a fine of not more than \$10,000.

35 ~~5. The crime of burglary does not include the act of entering a~~
36 ~~commercial establishment during business hours with the intent to~~
37 ~~commit petit larceny unless the person has previously been~~
38 ~~convicted:~~



- 1 ~~—(a) Two or more times for committing petit larceny within the~~
- 2 ~~immediately preceding 7 years; or~~
- 3 ~~—(b) Of a felony.]~~

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