
ASSEMBLY BILL NO. 333—ASSEMBLYMAN ELLISON

MARCH 20, 2017

Referred to Committee on Corrections,
Parole, and Probation

SUMMARY—Revises provisions governing the crime of burglary.
(BDR 15-505)

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

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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 relating to previous convictions of burglary or another crime involving the forcible entry or invasion of a dwelling; providing an enhanced penalty for a person who has previously been twice convicted of burglary or another crime involving the forcible entry or invasion of a dwelling in this State or any other state; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law generally provides that a person convicted of burglary is guilty of
2 a category B felony and shall be punished by imprisonment in the state prison for a
3 minimum term of not less than 1 year and a maximum term of not more than 10
4 years, and may be further punished by a fine of not more than \$10,000. If the
5 person has previously been convicted of burglary or another crime involving the
6 forcible entry or invasion of a dwelling, he or she is prohibited from being released
7 on probation or being granted a suspension of sentence. (NRS 205.060) This bill
8 specifies that the previous conviction could have been in this State or any other
9 state.

10 This bill also provides that a person who is convicted of burglary and who has
11 previously been twice convicted of burglary or another crime involving the forcible
12 entry or invasion of a dwelling in this State or any other state is guilty of a category
13 B felony and shall be punished by imprisonment in the state prison for a minimum
14 term of 8 years and a maximum term of 20 years, and may be further punished by a
15 fine of not more than \$10,000.



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~~ **6**,
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, with the intent to
7 commit grand or petit larceny, assault or battery on any person or
8 any felony, or to obtain money or property by false pretenses, is
9 guilty of burglary.
- 10 2. Except as otherwise provided in this section, a person *who is*
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 *in this State or any other state* must not be
18 released on probation or 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. ~~1A~~ *Except as otherwise provided in subsection 5, a person*
28 *who is* convicted of burglary *and* who has in his or her possession
29 or gains possession of any firearm or deadly weapon at any time
30 during the commission of the crime, at any time before leaving the
31 structure or upon leaving the structure, is guilty of a category B
32 felony and shall be punished by imprisonment in the state prison for
33 a minimum term of not less than 2 years and a maximum term of not
34 more than 15 years, and may be further punished by a fine of not
35 more than \$10,000.
- 36 5. *A person who is convicted of burglary and who has*
37 *previously been twice convicted of burglary or another crime*
38 *involving the forcible entry or invasion of a dwelling in this State*
39 *or any other state is guilty of a category B felony and shall be*
40 *punished by imprisonment in the state prison for a minimum term*
41 *of 8 years and a maximum term of 20 years, and may be further*
42 *punished by a fine of not more than \$10,000. A person who is*



1 *punished pursuant to this subsection must not be released on*
2 *probation or granted a suspension of sentence.*

3 **6.** The crime of burglary does not include the act of entering a
4 commercial establishment during business hours with the intent to
5 commit petit larceny unless the person has previously been
6 convicted:

7 (a) Two or more times for committing petit larceny within the
8 immediately preceding 7 years; or

9 (b) Of a felony.

10 **Sec. 2.** The amendatory provisions of this act apply to an
11 offense committed before July 1, 2017, in this State or any other
12 state for the purpose of determining whether a person is subject to
13 the provisions of subsection 1 or 5 of NRS 205.060, as amended by
14 this act.

15 **Sec. 3.** This act becomes effective on July 1, 2017.

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