

ADOPTED

Senator Hamrick of the 30th offered the following amendment:

1 *Amend HB 1176 (LC 29 5281S) by revising lines 318 through 398 as follows:*

2 (a) As used in this Code section, the term:

3 (1) 'Dwelling' means any building, structure, or portion thereof which is designed or
4 intended for occupancy for residential use.

5 (2) 'Railroad car' shall also include trailers on flatcars, containers on flatcars, trailers on
6 railroad property, or containers on railroad property.

7 ~~(a)~~(b) A person commits the offense of burglary in the first degree when, without authority
8 and with the intent to commit a felony or theft therein, he or she enters or remains within
9 the an occupied, unoccupied, or vacant dwelling house of another or any building, vehicle,
10 railroad car, watercraft, aircraft, or other such structure designed for use as the dwelling of
11 another or enters or remains within any other building, railroad car, aircraft, or any room
12 or any part thereof. A person convicted of who commits the offense of burglary, for the
13 first such offense in the first degree shall be guilty of a felony and, upon conviction thereof,
14 shall be punished by imprisonment for not less than one nor more than 20 years. For the
15 purposes of this Code section, the term 'railroad car' shall also include trailers on flatcars,
16 containers on flatcars, trailers on railroad property, or containers on railroad property. Upon
17 the second conviction for burglary in the first degree, the defendant shall be guilty of a
18 felony and shall be punished by imprisonment for not less than two nor more that 20 years.
19 Upon the third and all subsequent convictions for burglary in the first degree, the defendant
20 shall be guilty of a felony and shall be punished by imprisonment for not less than five nor
21 more than 25 years.

22 (c) A person commits the offense of burglary in the second degree when, without authority
23 and with the intent to commit a felony or theft therein, he or she enters or remains within
24 an occupied, unoccupied, or vacant building, structure, vehicle, railroad car, watercraft, or
25 aircraft. A person who commits the offense of burglary in the second degree shall be guilty
26 of a felony and, upon conviction thereof, shall be punished by imprisonment for not less
27 than one nor more than five years. Upon the second and all subsequent convictions for
28 burglary in the second degree, the defendant shall be guilty of a felony and shall be
29 punished by imprisonment for not less than one nor more than eight years.

30 ~~(b)~~(d) Upon a second conviction fourth and all subsequent convictions for a crime of
31 burglary occurring after the first conviction, a person shall be punished by imprisonment
32 for not less than two nor more than 20 years. Upon a third conviction for the crime of
33 burglary occurring after the first conviction, a person shall be punished by imprisonment

34 ~~for not less than five nor more than 20 years. Adjudication in any degree, adjudication of~~
35 ~~guilt or imposition of sentence shall not be suspended, probated, deferred, or withheld for~~
36 ~~any offense punishable under this subsection."~~