

### Changes to Burglary Statute

#### Definition

N.J.S.2C:18-1 definition is amended to read as follows: “Residential dwelling or accommodation” means a permanent structure intended as and currently being utilized as a residence by a private person or persons, and any place adapted for overnight accommodations of persons.

**2C:18-2. Burglary.** a. Burglary defined. A person is guilty of burglary if, with purpose to commit an offense therein or thereon, the person:

- (1) Enters a research facility, structure **other than a residential dwelling**, or a separately secured or occupied portion thereof unless the structure was at the time open to the public or the actor is licensed or privileged to enter;
- (2) Surreptitiously remains in a research facility, structure **other than a residential dwelling**, or a separately secured or occupied portion thereof knowing that [he] the person is not licensed or privileged to do so; or
- (3) Trespasses in or upon utility company property where public notice prohibiting trespass is given by conspicuous posting, or fencing or other enclosure manifestly designed to exclude intruders.

b. Grading. Burglary is a crime of the second degree if in the course of committing the offense, the actor:

- (1) Purposely, knowingly or recklessly inflicts, attempts to inflict or threatens to inflict bodily injury on anyone; or
- (2) Is armed with or displays what appear to be explosives or a deadly weapon.

Otherwise burglary is a crime of the third degree.

An act shall be deemed “in the course of committing” an offense if it occurs in an attempt to commit an offense or in immediate flight after the attempt or commission.

#### **2C:18-2.1 Home Invasion**

a. A person is guilty of home invasion burglary if, with purpose to commit an offense therein or thereon, the person, without license or privilege to do so, enters or surreptitiously remains in a residential dwelling or accommodation or a separately secured portion thereof, and in the course of committing the offense, the person:

- (1) Purposely, knowingly or recklessly inflicts, attempts to inflict, or threatens to inflict bodily injury on anyone; or
- (2) Is armed with or displays what appear to be explosives or a deadly weapon.

An act shall be deemed “in the course of committing” an offense if it occurs in an attempt to commit an offense or in immediate flight after the attempt or commission.

b. Home invasion burglary is a crime of the first degree

#### **2C:18-2.2 Residential Burglary**

a. A person is guilty of residential burglary if, with purpose to commit an offense therein or thereon, the person:

- (1) Enters a residential dwelling or accommodation, or a separately secured portion thereof, unless the actor is licensed or privileged to enter; or
- (2) Surreptitiously remains in a residential dwelling or accommodation, or a separately secured portion thereof, knowing that the actor is not licensed or privileged to do so.

b. For the purposes of subsection a. of this section, it is not an element of the offense that the actor knew that any other person was present in the residential dwelling or accommodation when the actor entered or surreptitiously remained therein, and it shall not be a defense that the actor did not know that any other person was present in the residential dwelling or accommodation when the actor entered or surreptitiously remained therein.

c. Residential burglary is a crime of the second degree