

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

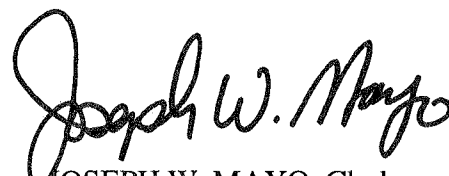
No. 328

H.P. 264

House of Representatives, January 23, 1997

**An Act to Increase the Penalty for Burglary When the Actor has Prior
Convictions for Certain Enumerated Crimes.**

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth.
Cosponsored by Representative McALEVEY of Waterboro.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §401, sub-§2, ¶B, as amended by PL 1977, c. 510, §51, is further amended to read:

B. A Class B crime if the defendant intentionally or recklessly inflicted or attempted to inflict bodily injury on anyone during the commission of the burglary, or an attempt to commit such burglary, or in immediate flight after such commission or attempt or if the defendant was armed with a dangerous weapon other than a firearm, or knew that an accomplice was so armed; or if the violation was against a structure which is a dwelling place; or if the defendant has 2 prior convictions for any combination of theft, any violation of this section or section 651, 702, 703 or 708 or attempts to commit any of these crimes. A determination of whether a conviction constitutes a prior conviction for purposes of this paragraph must be made pursuant to section 362, subsection 3-A;

SUMMARY

This bill provides for enhancing the sentencing classification for a burglary from a Class C crime to a Class B crime if the defendant has at least 2 prior convictions for any combination of theft, aggravated forgery, forgery, negotiating a worthless instrument, burglary, robbery or any attempts to commit those crimes. This bill also provides that a prior conviction for burglary may be considered regardless of what crime the offender intended to commit at the time of the burglary.