

SB 202 – AS AMENDED BY THE HOUSE

14May2014... 1708h

2014 SESSION

14-2596  
04/06

SENATE BILL        **202**

AN ACT            relative to the elements of the crime of burglary and relative to capital murder.

SPONSORS:        Sen. Kelly, Dist 10; Sen. Soucy, Dist 18; Sen. Lasky, Dist 13; Sen. Boutin, Dist 16;  
Sen. Carson, Dist 14; Rep. Pantelakos, Rock 25

COMMITTEE:      Judiciary

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AMENDED ANALYSIS

This bill amends the burglary statute to include cases where a person remains unlawfully in a building or occupied structure. This bill also provides that the penalty for capital murder shall be life imprisonment without the possibility for parole.

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Explanation:      Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT relative to the elements of the crime of burglary and relative to capital murder.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Unauthorized Entries; Burglary. Amend RSA 635:1, I to read as follows:

2 I. A person is guilty of burglary if he ***or she*** enters ***or remains unlawfully in*** a building or  
3 occupied structure, or separately secured or occupied section thereof, with purpose to commit a crime  
4 therein, unless the premises are at the time open to the public or the actor is licensed or privileged to  
5 enter. It is an affirmative defense to prosecution for burglary that the building or structure was  
6 abandoned.

7 2 Homicide; Capital Murder. Amend RSA 630:1, III to read as follows:

8 III. A person convicted of a capital murder [~~may be punished by death~~] ***shall be sentenced***  
9 ***to life imprisonment and shall not be eligible for parole.***

10 3 Effective Date.

11 I. Section 1 of this act shall take effect 60 days after its passage.

12 II. The remainder of this act shall take effect upon its passage.