

Subject Burglary
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Date January 29, 2019

Overview

Under current law, a person who enters a building without consent and commits misdemeanor theft is guilty of a felony. A person who enters a building without consent and commits any other misdemeanor is guilty of a gross misdemeanor. This difference exists under circumstances that include when the building is a store that is open to the public and the person has previously been told to leave and not return for a year.

Summary

Section	Description
1	<p>Burglary in the third degree.</p> <p>Establishes a felony offense for a person who enters a building that is open to the public, other than a building listed in subdivision 2, paragraph (b), if the person does so within:</p> <ol style="list-style-type: none">1. one year of being told to leave the building and not return; and2. five years of being convicted of theft or a related offense. <p>The offense may be punished by imprisonment of up to five years, a fine of up to \$10,000, or both.</p> <p>The buildings listed in subdivision 2, paragraph (b) are: government buildings, religious establishments, historic properties, and school buildings. Violations of subdivision 2 are felonies and may be punished by imprisonment of up to ten years, a fine of up to \$20,000, or both.</p> <p>Theft and related offenses are the offenses that can be used for enhancement purposes under the theft statute: section 609.52, subdivision 3, paragraph (c).</p>
2	<p>Burglary in the fourth degree.</p> <p>Establishes a gross misdemeanor offense for a person who enters a building that is open to the public, other than a building listed in subdivision 2, paragraph (b), if the person does so within one year of being told to leave the building and not return, but <u>without</u> a conviction for theft or a related offense within the previous five years.</p>

Section	Description
	Gross misdemeanors may be punished by a jail sentence of up to one year, a fine of up to \$3,000, or both.



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