

39-13-1004. Especially aggravated burglary.

(a) Especially aggravated burglary is:

(1) **Burglary**, as described in § 39-13-1002, of a habitation or building other than a habitation; and

(2) Where the victim suffers **serious bodily injury**.

(b) For the purposes of this section, "victim" means any person lawfully on the premises.

(c) Especially aggravated burglary is a **Class B felony**.

(d) Acts which constitute an offense under this section may be prosecuted under this section or any other applicable section, but not both.

39-13-1003. Aggravated burglary.

(a) Aggravated burglary is **burglary**, as described in § 39-13-1002, **of a habitation**.

(b) Aggravated burglary is a Class **C felony**.

39-13-1002. Burglary.

(a) A person commits burglary who, without the effective consent of the property owner:

(1) **Enters** a building other than a habitation, or any portion of the building, not open to the public, **with intent to commit a felony, theft, or assault;**

(2) Remains concealed, with the intent to commit a felony, theft, or assault, in a building;

(3) Enters a building and commits or attempts to commit a felony, theft, or assault; or

(4) **Enters** any freight or passenger car, automobile, truck, trailer, boat, airplane, or other motor vehicle with intent to commit a felony, theft, or assault or commits or attempts to commit a felony, theft, or assault.

(b) As used in this section, "enter" means:

(1) Intrusion of **any part of the body**; or

(2) **Intrusion of any object** in physical contact with the body or any object controlled by remote control, electronic or otherwise.

(c) Burglary under subdivision (a)(1), (2), or (3) is a **Class D felony**.

(d) Burglary under subdivision (a)(4) is a Class **E felony**.

39-13-1001. Part definitions – References to convictions for offenses of burglary.

(a) As used in this part, unless the context otherwise requires, the terms “habitation”, “occupied”, and “owner” have the same meaning as defined in § 39-14-401.

(b) Any references to convictions for the offenses of burglary, under § 39-13-1002, aggravated burglary, under § 39-13-1003, or especially aggravated burglary, under § 39-13-1004, shall be deemed to include convictions for the applicable offense as each offense was defined under chapter 14, part 4 of this title prior to July 1, 2021.