

By: Representatives Shows, Ellzey, Eaton,  
Read, Reynolds, Smith (39th), Stringer

To: Judiciary B

## HOUSE BILL NO. 835

1 AN ACT TO CREATE THE CRIME OF BURGLARY/HOME INVASION; TO  
2 PROVIDE A PENALTY FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION  
3 97-17-23, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS  
4 OF THIS ACT; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. (1) A person is guilty of burglary/home invasion  
7 if the person enters a dwelling without consent and with intent to  
8 commit a crime in the dwelling, and when, in effecting entry or  
9 while in the dwelling or in immediate flight, he or another  
10 participant in the crime:

11 (a) Is armed with a deadly weapon or explosive; or

12 (b) Causes physical injury to a person who is not a  
13 participant in the crime; or

14 (c) Uses or threatens the use of a dangerous  
15 instrument; or

16 (d) Displays what is or appears to be a knife, pistol  
17 revolver, rifle, shotgun, machine gun, or other firearm.

18 (2) Burglary/home invasion is a felony punishable by a term  
19 of not more than thirty (30) years.

20 SECTION 2. Section 97-17-23, Mississippi Code of 1972, is  
21 amended as follows:

22 97-17-23. Except as provided by Section 1 of this act, every  
23 person who shall be convicted of breaking and entering the  
24 dwelling house or inner door of such dwelling house of another,  
25 whether armed with a deadly weapon or not, and whether there shall  
26 be at the time some human being in such dwelling house or not,  
27 with intent to commit some crime therein, shall be punished by

28 imprisonment in the Penitentiary not less than three (3) years nor  
29 more than twenty-five (25) years.

30 SECTION 3. This act shall take effect and be in force from  
31 and after July 1, 1999.