

Louisiana Burglary Laws: An Overview

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Burglary in Louisiana is defined as the unlawful entry into a structure with intent to commit crime inside. Burglary frequently occurs when there are no witnesses or victims present to actually identify the perpetrator. Therefore, false accusations occur regularly. Thus, it is crucial that you retain an experienced lawyer to thoroughly examine your case and determine if there are any weaknesses in the state's evidence. As you will see below, there are many different factors that can enhance or diminish the seriousness of the particular burglary charge. A skilled lawyer is necessary to explain the law to you, form an appropriate defense and guide you through the whole legal process.

This article will discuss the following types of Burglary and penalties from the La. Criminal Code:

- Simple Burglary — La R.S. 14:62
- Aggravated Burglary — La R.S. 14:60
- Unauthorized Entry of a Critical Infrastructure — La R.S. 14:61
- Simple Burglary of a Pharmacy — La R.S. 14:62.1
- Simple Burglary of an Inhabited Dwelling — La R.S. 14:62.3
- Unauthorized Entry of a Place of Business — La R.S. 14:62.4
- Looting — La R.S. 14:62.5
- Simple Burglary of a Religious Building — La R.S. 14:62.6
- Unauthorized Entry of a Dwelling During an Emergency or Disaster — La R.S. 14:62.7
- Home Invasion La R.S. 14:62.8 — La R.S. 14:62.8
- Simple Burglary of a Law Enforcement or Emergency Vehicle — La R.S. 14:62.9

Simple Burglary — La R.S. 14:62

Simple burglary is the unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with the intent to commit a felony or any theft therein, other than as set forth below in R.S. 14:60 (Aggravated burglary).

Whoever commits the crime of Simple Burglary shall be **fin**ed not more than two thousand dollars, **imprisoned with or without hard labor for not more than twelve years, or both.**

Aggravated Burglary — La R.S. 14:60

Aggravated burglary is the unauthorized entering of any inhabited dwelling, or of any structure, water craft, or movable where a person is present, with the intent to commit a felony or any theft therein, if the offender:

1. Is armed with a dangerous weapon; or
2. After entering arms himself with a dangerous weapon; or
3. Commits a battery upon any person while in such place, or in entering or leaving such place.

Whoever commits the crime of Aggravated Burglary shall **be imprisoned at hard labor for not less than one nor more than thirty years.**

Unauthorized Entry of a Critical Infrastructure — La R.S. 14:61

Unauthorized entry of a critical infrastructure is the intentional entry by a person without authority into any structure or onto any premises, belonging to another, that constitutes in whole or in part a critical infrastructure that is completely enclosed by any type of physical barrier, including but not limited to:

- Chemical manufacturing facilities;
- Refineries;
- Electrical power generating facilities;
- Water intake structures and water treatment facilities;
- Natural gas transmission compressor stations;
- LNG terminals and storage facilities; and
- Transportation facilities, such as ports, railroad switching yards, and trucking terminals.

Simple Burglary of a Pharmacy — La R.S. 14:62.1

Simple burglary of a pharmacy is the unauthorized entry of any building, warehouse, physician's office, hospital, pharmaceutical house, or other structure used in whole or in part for the sale, storage and/or dispensing of controlled dangerous substances*, with the intent to commit the theft of any drug which is defined as a controlled dangerous substance* in other than set forth in R.S. 14:60.

Whoever commits the crime of Burglary of a Pharmacy shall be **imprisoned at hard labor for not less than one nor more than ten years. At least one year of the sentence shall be imposed without benefit of parole, probation, or suspension of sentence.**

On a second or subsequent conviction, the offender shall be **imprisoned at hard labor for not less than two nor more than twelve years. At least two years of the sentence shall be imposed without benefit of parole, probation, or suspension of sentence.**

*"Controlled dangerous substance" means any substance defined, enumerated, or included in federal or state statute or regulations, or any substance which may be designated as a controlled dangerous substance by amendment of supplementation of such regulations or statute. The term shall not include distilled spirits, wine, malt beverages, or tobacco.

Simple Burglary of an Inhabited Dwelling — La R.S. 14:62.3

Simple burglary of an inhabited home is the unauthorized entry of any inhabited dwelling, house, apartment or other structure used in whole or in part as a home or place of abode by a person or persons with the intent to commit a felony or any theft therein, other than as set forth in Article 60 (Aggravated Burglary).

Whoever commits the crime of simple burglary of an inhabited dwelling shall be **imprisoned at hard labor for not less than one year, without benefit of parole, probation or suspension of sentence, nor more than twelve years.**

Unauthorized Entry of a Place of Business — La R.S. 14:62.4

Unauthorized entry of a place of business is the intentional entry by a person without authority into any structure or onto any premises, belonging to another, that is completely enclosed by any type of physical barrier that is at least six feet in height and used in whole or in part as a place of business.

Whoever commits the crime of unauthorized entry of a place of business shall be **fined not more than one thousand dollars or imprisoned with or without hard labor for not more than six years, or both.**

Looting — La R.S. 14:62.5

Looting is the intentional entry by a person without authorization into any dwelling or other structure belonging to another and used in whole or in part as a home or place of abode by a person, or any structure belonging to another and used in whole or in part as a place of business, or any vehicle, watercraft, building, plant, establishment, or other structure, movable or immovable, in which normal security of property is not present by virtue of a hurricane, flood, fire, act of God, or force majeure of any kind, or by virtue of a riot, mob, or other human agency, and the obtaining or exerting control over or damaging or removing property of the owner.

Whoever commits the crime of looting shall **be fined not more than ten thousand dollars or imprisoned at hard labor for not more than fifteen years, or both.**

Whoever commits the crime of looting during the existence of a state of emergency, which has been declared pursuant to law by the governor or the chief executive officer of any parish, may be **fined not less than five thousand dollars nor more than ten thousand dollars and shall be imprisoned at hard labor for not less than three years nor more than fifteen years without benefit of probation, parole, or suspension of sentence.**

Simple Burglary of a Religious Building — La R.S. 14:62.6

Simple burglary of a religious building is the unauthorized entering of any church, synagogue, mosque, or other building, structure, or place primarily used for religious worship or other religious purpose with the intent to commit a felony or any theft therein, other than as set forth in R.S. 14:60 (Aggravated Burglary)

Whoever commits the crime of simple burglary of a religious building shall be **fined not more than two thousand dollars and imprisoned with or without hard labor for not less than two years nor more than twelve years. At least two years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.**

Unauthorized Entry of a Dwelling During an Emergency or Disaster — La R.S. 14:62.7

Unauthorized entry of a dwelling during an emergency or disaster is the intentional entry by a person without authorization into any dwelling or other structure belonging to another and used in whole or in part as a home or place of abode by a person when the dwelling or other structure is located in a parish where the governor has declared a disaster or emergency pursuant to the provisions of the Louisiana Homeland Security and Emergency Assistance and Disaster Act.

The provisions of this Section shall not apply to the following:

- Any law enforcement or rescue personnel providing rescue or emergency disaster services.
- Any person entering a dwelling for the purposes of survival or awaiting evacuation or rescue within seventy-two hours of the occurrence of the disaster or emergency which resulted in the declaration of disaster or emergency.

Whoever commits the crime of unauthorized entry of a dwelling during an emergency or disaster shall **be fined not more than one thousand five hundred dollars or imprisoned with or without hard labor for not more than one year, or both.**

Home Invasion La R.S. 14:62.8 — La R.S. 14:62

Home invasion is the unauthorized entering of any inhabited dwelling, or other structure belonging to another and used in whole or in part as a home or place of abode by a person, where a person is present, with the intent to use force or violence upon the person of another or to vandalize, deface, or damage the property of another.

Except as provided below, whoever commits the crime of home invasion shall be **fined not more than five thousand dollars and shall be imprisoned at hard labor for not less than five nor more than twenty years; at least five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.**

Whoever commits the crime of home invasion when, at the time of the unauthorized entering, there is present in the dwelling or structure any person who is under the age of twelve years, is sixty-five years of age or older, or who has a developmental disability as defined in La. Civil Code, **shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not less than ten nor more than twenty-five years. At least ten years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.**

Simple Burglary of a Law Enforcement or Emergency Vehicle — La R.S. 14:62.9

Simple burglary of a law enforcement or emergency vehicle is the unauthorized entering of any law enforcement or emergency vehicle with the intent to commit a felony or any theft therein.

For the purposes of this Section, “law enforcement or emergency vehicle” means a marked vehicle with fully visual and audible warning signals operated by a fire department, a state, parish, or municipal police department, a sheriff’s office, or such ambulances and emergency medical response vehicles certified by the Department of Health and Hospitals that are operated by certified ambulance services, and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the secretary of the Department of Transportation and Development, or by the chief of police of any incorporated municipality.

Whoever commits the crime of simple burglary of a law enforcement or emergency vehicle **shall be fined not more than ten thousand dollars, imprisoned with or without hard labor for not more than twenty years, or both.**

About the Author:

Elizabeth Bagert Carpenter is an experienced New Orleans criminal defense attorney. She received her Juris Doctorate from Loyola University Law School. As an undergraduate, she extensively studied French Language and Literature with honors and attended L’Université

d'Orléans France. Before her legal career, she worked in the field of mental health while completing graduate studies in Psychology. Ms. Carpenter is a member and supporter of the Louisiana State Bar Association, Louisiana Association for Criminal Defense Lawyers, National Association of Criminal Defense Lawyers, Legalize Louisiana and National Organization for the Reformation of Marijuana Laws (NORML). She has also volunteered her time working as a CASA (Court Appointed Special Advocate). Her law practice focuses on White Collar Crime, Tax Resolution, Criminal Defense, DWI Defense.