

BURGLARY AND RELATED OFFENCES

28.

(A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BURGLAR'S TOOLS" MEANS:

- (1) A PICKLOCK, KEY, CROWBAR, PRYBAR, JACK, OR BIT;
- (2) NITROGLYCERINE, DYNAMITE, GUNPOWDER, OR OTHER EXPLOSIVE MATERIAL;
- (3) AN ACETYLENE TORCH, ELECTRIC ARC, BURNING BAR, THERMAL LANCE, OXYGEN LANCE, OR SIMILAR DEVICE CAPABLE OF BURNING THROUGH METAL, CONCRETE, OR OTHER SOLID MATERIAL; OR
- (4) ANY OTHER TOOL, INSTRUMENT, OR DEVICE THAT HAS BEEN ADAPTED, DESIGNED, OR USED FOR COMMITTING OR FACILITATING THE COMMISSION OF A BURGLARY OFFENSE.

(C) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 643B OF THIS ARTICLE.

(D) "BREAK", "ENTER", AND "DWELLING" RETAIN THEIR JUDICIALLY DETERMINED MEANINGS EXCEPT TO THE EXTENT THAT SUCH MEANINGS ARE EXPRESSLY OR BY IMPLICATION CHANGED IN THIS SUBHEADING.

(E) "STOREHOUSE" RETAINS ITS JUDICIALLY DETERMINED MEANING AND ALSO MEANS ANY BUILDING, OTHER CONSTRUCTION, OR WATERCRAFT, INCLUDING:

- (1) ANY BARN, STABLE, GARAGE, PIER, WHARF, BOATHOUSE, AND ANY FACILITY ATTACHED TO A PIER OR WHARF;
- (2) ANY SHOP, STOREROOM, WAREHOUSE, FACTORY, MILL, HOUSE OF WORSHIP, MEETINGHOUSE, COURTHOUSE, WORKHOUSE, SCHOOL, OR PUBLIC BUILDING; AND
- (3) ANY TRAILER, AIRCRAFT, BOAT, SHIP, OR RAILROAD CAR.

COMMITTEE NOTE:

The meaning of the terms "break", "enter", and "dwelling" have been extensively developed at common law and in Maryland case law. Therefore, the Committee believes that these terms should retain their judicially determined meanings. More specifically, the Committee believes that the terms "dwelling", "break", and "enter" should retain the meanings that have been ascribed to these words by judges in cases interpreting the elements of the common law crime of burglary.

The meaning of the term "storehouse" has been developed less fully by judicial interpretation than the meaning of the terms "break", "enter", and "dwelling". Therefore, the Committee believes that the term "storehouse" should retain the meaning that has