

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF BURGLARY IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 15 YEARS.

31.

(A) A PERSON MAY NOT BREAK AND ENTER THE DWELLING OF ANOTHER WITH THE INTENT TO COMMIT ANY CRIME.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF BURGLARY IN THE THIRD DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

32.

(A) (1) A PERSON MAY NOT BREAK AND ENTER THE DWELLING OF ANOTHER.

(2) A PERSON MAY NOT BREAK AND ENTER THE STOREHOUSE OF ANOTHER.

(B) A PERSON MAY NOT BE IN OR ON THE DWELLING OR STOREHOUSE OF ANOTHER OR ANY YARD, GARDEN, OR OTHER AREA BELONGING TO THE DWELLING OR STOREHOUSE OF ANOTHER WITH THE INTENT TO COMMIT THEFT.

(C) A PERSON MAY NOT POSSESS BURGLAR'S TOOLS WITH THE INTENT TO USE OR PERMIT THE USE OF THE TOOLS IN THE COMMISSION OF ANY VIOLATION OF THIS SUBHEADING.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF BURGLARY IN THE FOURTH DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 3 YEARS.

(E) A PERSON WHO IS CONVICTED OF VIOLATING § 342 OF THIS ARTICLE MAY NOT ALSO BE CONVICTED OF VIOLATING SUBSECTION (B) OF THIS SECTION BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF § 342.

COMMITTEE NOTE :

The Committee recognizes that the crime of theft and the crime established by subsection (b) of this section each include an element that is not included in the other offense. Therefore, a conviction for a violation of subsection (b) would not merge into a conviction for theft. However, the Committee believes that a completed theft should not be prosecuted under this section.

33.

(A) A PERSON WHO COMMITS BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE AND WHO THEN AND THERE OPENS OR ATTEMPTS TO OPEN ANY VAULT, SAFE, OR OTHER SECURE REPOSITORY BY THE USE OF AN EXPLOSIVE IS GUILTY OF THE FELONY OF BURGLARY WITH EXPLOSIVES AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 20 YEARS.