

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.

(B) A SENTENCE THAT IS IMPOSED FOR A VIOLATION OF THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OTHER OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION.

34.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "ENCLOSURE" MEANS ANY BUILDING, WATERCRAFT, AIRCRAFT, TRAILER, SLEEPING CAR, OR OTHER STRUCTURE OR VEHICLE.

(II) "ENCLOSURE" INCLUDES:

1. EACH SEPARATELY SECURED OR OCCUPIED PORTION OF THE BUILDING OR VEHICLE; AND

2. EACH STRUCTURE APPURTENANT OR CONNECTED TO THE BUILDING OR VEHICLE.

(3) "RESEARCH" MEANS ANY STUDIOUS AND SERIOUS INQUIRY, EXAMINATION, INVESTIGATION, OR EXPERIMENTATION AIMED AT THE DISCOVERY OR ACCUMULATION OF FACTS, DATA, THEORIES, TECHNOLOGIES, OR APPLICATIONS FOR ANY GOVERNMENTAL, SCIENTIFIC, EDUCATIONAL, OR PROPRIETARY PURPOSE.

(4) "RESEARCH FACILITY" MEANS ANY ENCLOSURE OR SEPARATELY SECURED YARD, PAD, POND, LABORATORY, PASTURE, OR PEN THE PURPOSE OF WHICH IS TO CONDUCT RESEARCH, HOUSE RESEARCH SUBJECTS, OR STORE SUPPLIES, RECORDS, DATA, PROTOTYPES, OR EQUIPMENT NECESSARY TO OR DERIVED FROM RESEARCH.

(5) "RESEARCH PROPERTY" MEANS ANY PROPERTY RELATED TO RESEARCH IN A RESEARCH FACILITY, REGARDLESS OF VALUE, INCLUDING ANY SAMPLE, SPECIMEN, RESEARCH SUBJECT, RECORD, DATA, TEST RESULT, OR PROPRIETARY INFORMATION.

(B) A PERSON SHALL BE GUILTY OF BREAKING AND ENTERING A RESEARCH FACILITY ONLY IF: