

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 14
BURGLARY

18-1401. BURGLARY DEFINED. Every person who enters any house, room, apartment, tenement, store, shop, warehouse, mill, barn, stable, outhouse, or a building, tent, vessel, vehicle, trailer, airplane, or railroad car with intent to commit any theft or any felony is guilty of burglary.

[18-1401, added 1972, ch. 336, sec. 1, p. 871; am. 1981, ch. 183, sec. 3, p. 326; am. 1997, ch. 87, sec. 1, p. 213; am. 2020, ch. 219, sec. 1, p. 651; am. 2021, ch. 185, sec. 1, p. 508.]

18-1401A. COMMERCIAL BURGLARY DEFINED. Any person who commits a burglary as defined in section [18-1401](#), Idaho Code, with the intent to commit theft and the theft is from a commercial retailer during business hours and the amount of the theft is under three hundred dollars (\$300) is guilty of commercial burglary. Any person who pleads guilty to, or is found guilty of, a violation of this section for the first time is guilty of a misdemeanor and may be sentenced to a jail sentence not to exceed six (6) months, a fine of one thousand dollars (\$1,000), or both. Any person who pleads guilty to, or is found guilty of, a violation of this section who previously has been found guilty of, or has pled guilty to, a violation of the provisions of this section within five (5) years is guilty of a misdemeanor and may be sentenced to a jail sentence not to exceed one (1) year, a fine of two thousand dollars (\$2,000), or both. Any person who pleads guilty to, or is found guilty of, a violation of this section who previously has been found guilty of, or has pled guilty to, two (2) or more violations of the provisions of this section within five (5) years, notwithstanding the form of the judgments or withheld judgments, shall be guilty of a felony.

[18-1401A, added 2020, ch. 219, sec. 2, p. 651; am. 2021, ch. 185, sec. 2, p. 508.]

18-1403. PUNISHMENT FOR BURGLARY. Burglary is punishable by imprisonment in the state prison for not less than one (1) nor more than ten (10) years.

[18-1403, added 1972, ch. 336, sec. 1, p. 871; am. 1992, ch. 167, sec. 2, p. 531.]

18-1405. BURGLARY WITH EXPLOSIVES. Any person who with intent to commit crime breaks and enters any building whether inhabited or not, and opens or attempts to open any vault, safe, or other secure place within said building by use of nitroglycerin, dynamite, gunpowder or any other explosive, shall be deemed guilty of burglary with explosives. Any person duly convicted of burglary with explosives shall be sentenced to the penitentiary for a period of not less than ten (10) years, nor more than twenty-five (25) years.

[18-1405, added 1972, ch. 336, sec. 1, p. 872; am. 1992, ch. 167, sec. 3, p. 532.]

18-1406. POSSESSION OF BURGLARIOUS INSTRUMENTS. Every person having upon him, or in his possession, a picklock, crow, key, bit, or other instrument or tool, with intent feloniously to break or enter into any building or who shall knowingly make or alter, or shall attempt to make or alter any key or other instrument above named, so that the same will fit or open the lock of a building, without being requested so to do by some person having the right to open the same, or who shall make, alter, or repair, any instrument or thing, knowing, or having reason to believe, that it is intended to be used in committing a misdemeanor or felony, is guilty of a misdemeanor. Any of the structures mentioned in this chapter shall be deemed a building within the meaning of this section.

[18-1406, added 1972, ch. 336, sec. 1, p. 872.]