

Tennessee Robbery/Burglary and Related Statutes

39-13-401. Robbery.

(a) Robbery is the intentional or knowing theft of property from the person of another by violence or putting the person in fear.

(b) Robbery is a Class C felony.

39-13-402. Aggravated robbery.

(a) Aggravated robbery is robbery as defined in § 39-13-401:

(1) Accomplished with a deadly weapon or by display of any article used or fashioned to lead the victim to reasonably believe it to be a deadly weapon; or

(2) Where the victim suffers serious bodily injury.

(b) Aggravated robbery is a Class B felony.

39-13-403. Especially aggravated robbery.

(a) Especially aggravated robbery is robbery as defined in § 39-13-401:

(1) Accomplished with a deadly weapon; and

(2) Where the victim suffers serious bodily injury.

(b) Especially aggravated robbery is a Class A felony.

39-14-112. Extortion.

(a) A person commits extortion who uses coercion upon another person with the intent to:

(1) Obtain property, services, any advantage or immunity; or

(2) Restrict unlawfully another's freedom of action.

(b) It is an affirmative defense to prosecution for extortion that the person reasonably claimed:

(1) Appropriate restitution or appropriate indemnification for harm done; or

(2) Appropriate compensation for property or lawful services.

(c) Extortion is a Class D felony.

39-14-402. Burglary.

(a) A person commits burglary who, without the effective consent of the property owner:

(1) Enters a building other than a habitation (or any portion thereof) not open to the public, with intent to commit a felony, theft or assault;

(2) Remains concealed, with the intent to commit a felony, theft or assault, in a building;

(3) Enters a building and commits or attempts to commit a felony, theft or assault; or

(4) Enters any freight or passenger car, automobile, truck, trailer, boat, airplane or other motor vehicle with intent to commit a felony, theft or assault or commits or attempts to commit a felony, theft or assault.

(b) As used in this section, "enter" means:

(1) Intrusion of any part of the body; or

(2) Intrusion of any object in physical contact with the body or any object controlled by remote control, electronic or otherwise.

(c) Burglary under subdivision (a)(1), (2) or (3) is a Class D felony.

(d) Burglary under subdivision (a)(4) is a Class E felony.

NOTES: Sentencing Commission Comments.

This section and the subsequent burglary statutes are a major change from the prior law. The former distinctions between burglary, burglary in the second degree and burglary in the third degree are eliminated. In addition, the day and night distinction which was previously used for gradation was abandoned because the risks and types of intrusions were the same whether they occurred in the daylight or at night. The requirement of a breaking has also been eliminated.

Intrusion with the intent to commit misdemeanor theft is included in burglary because of the practical impossibility of proving that a trespasser intended to steal property of sufficient value to constitute a felony theft. Intrusions with intent to commit misdemeanors other than theft are punishable as attempts or trespasses if the intended offense is not completed.

This section, burglary, applies only to intrusions involving buildings that are not habitations and those involving motor vehicles.

39-14-403. Aggravated burglary.

(a) Aggravated burglary is burglary of a habitation as defined in §§ 39-14-401 and 39-14-402.

(b) Aggravated burglary is a Class C felony.

39-14-404. Especially aggravated burglary.

(a) Especially aggravated burglary is:

- (1) Burglary of a habitation or building other than a habitation; and
- (2) Where the victim suffers serious bodily injury.

(b) For the purposes of this section, "victim" means any person lawfully on the premises.

(c) Especially aggravated burglary is a Class B felony.

(d) Acts which constitute an offense under this section may be prosecuted under this section or any other applicable section, but not both.

39-14-405. Criminal trespass.

(a) A person commits criminal trespass who, knowing the person does not have the owner's effective consent to do so, enters or remains on property, or a portion thereof. Knowledge that the person did not have the owner's effective consent may be inferred where notice against entering or remaining is given by:

- (1) Personal communication to the person by the owner or by someone with apparent authority to act for the owner;
- (2) Fencing or other enclosure obviously designed to exclude intruders;
- (3) Posting reasonably likely to come to the attention of intruders; or
- (4) Posting the property, in accordance with the requirements of § 70-4-106(b)(1)(B)(ii).

(b) It is a defense to prosecution under this section that:

- (1) The property was open to the public when the person entered and remained;
- (2) The person's conduct did not substantially interfere with the owner's use of the property;
and
- (3) The person immediately left the premises upon request.

(c) For purposes of this section, "enter" means intrusion of the entire body.

(d) Criminal trespass is a Class C misdemeanor.