

# Is Burglary a Felony or Misdemeanor?

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Wasatch Defense Lawyers

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Being accused of burglary is terrifying. You're not just worrying about legal jargon — you're worrying about your future, your freedom, and your reputation. If you're here wondering whether burglary is a felony or a misdemeanor in Utah, you're not alone.

At Wasatch Defense Lawyers, we've helped hundreds of people navigate exactly this kind of uncertainty — and in this guide, you'll get the straight answers you need.

## Quick Guide: What We'll Cover



In Utah, **burglary is almost always charged as a felony**. The law takes unlawful entry seriously — especially when there's an intent to commit another crime inside, like theft or assault.

**However**, there are rare cases where a burglary-related offense can be treated as a misdemeanor, depending on the circumstances of the entry.

**Quick Tip:** The type of property and the alleged criminal intent significantly influence the severity of the charge.

### Relevant Utah Law:

[Utah Code § 76-6-202: Burglary](#)

Learn more about related [criminal mischief charges](#).

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## What Counts as Burglary in Utah?

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Under Utah law, burglary means **entering or remaining unlawfully** in a structure with the **intent to commit a crime inside**.

You don't have to break a window or pick a lock. Simply walking into an unlocked home without permission, planning to commit theft or assault, counts as burglary.

### Key Examples:

1. Sneaking into a neighbor's garage to steal tools
2. Hiding inside a store after closing time
3. Entering a residence intending to commit an assault



**Important:** Intent is everything. You don't have to complete the crime — just having the plan counts.

Understand your [Utah search and seizure rights](#) if evidence was collected during your arrest.

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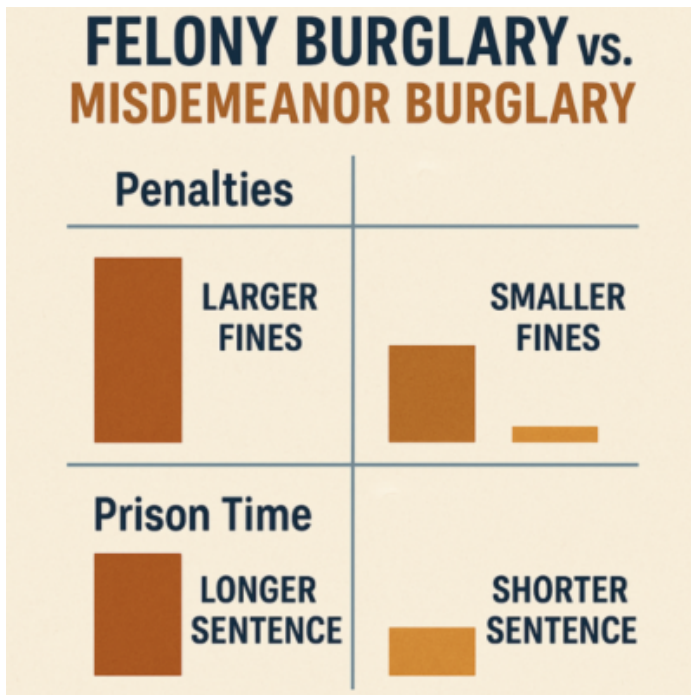
## Felony vs. Misdemeanor Burglary: Key Differences

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Here's how burglary charges are typically classified in Utah:

| Felony Burglary                                             | Misdemeanor Burglary (Rare)                                                                 |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Breaking into homes, apartments, businesses                 | Unlawful entry into sheds, fenced yards (without serious criminal intent)                   |
| Classified as a <b>second-degree or third-degree felony</b> | Classified as a <b>class A misdemeanor</b> under criminal trespass if burglary isn't proven |
| Prison sentence: 1 to 15 years                              | Jail sentence: Up to 1 year                                                                 |
| Up to \$10,000 in fines                                     | Up to \$2,500 in fines                                                                      |

**Real-Life Insight:** If a dwelling (where people sleep) is involved, it's almost always a felony.



See how our [burglary defense lawyers](#) can help protect your rights.

## Factors That Affect How Burglary is Charged

Several factors can escalate or lessen a burglary charge:

- **Nature of the Property:** Entering homes = felony. Entering an open shed might be a misdemeanor.
- **Type of Crime Intended:** Planning theft = serious. Planning simple vandalism = less serious.
- **Weapon Involvement:** If a weapon was carried or displayed, penalties skyrocket.
- **Injury to Victims:** Violence against occupants enhances the severity.
- **Past Criminal Record:** Prior offenses can lead to harsher penalties.

**Pro Tip:** At Wasatch Defense Lawyers, our criminal defense team knows how to identify weaknesses in the prosecution's case to fight for reduced charges.

Explore your options if facing a [probation violation](#).

## What to Do If You're Facing a Burglary Charge

If you've been arrested or accused of burglary, here's what you should do immediately:

1. **Stay Silent:** Politely decline to answer police questions without a lawyer.
2. **Document Everything:** Where you were, who you spoke to, what happened.
3. **Seek Legal Help Fast:** The earlier you involve a defense attorney, the better your chances.

**Why Speed Matters:** Witnesses forget details. Evidence disappears. Acting fast can mean the difference between freedom and a criminal record.

Understand more about [preliminary hearings](#) and how they impact burglary cases.

## EEAT Building Elements

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**over 650 criminal trials** across Utah courts, including complex burglary defense cases — and we know how to fight for you at every stage.

**Supporting Stat:** The Utah Department of Public Safety reports that burglary ranks among the top five property crimes annually prosecuted statewide.

**Charged with burglary? You have options.** [Request Your Free, Private Case Evaluation Today](#). — We're available 24/7 to fight for your rights.

## Frequently Asked Questions (FAQ)

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### Can burglary charges be reduced to misdemeanors?

Yes, depending on the circumstances. Skilled legal advocacy can often negotiate a reduction to trespassing or criminal mischief.

### How serious is a burglary conviction?

A felony burglary conviction can lead to prison time, heavy fines, and a permanent criminal record impacting jobs and housing.

### What's the difference between burglary, robbery, and theft?

Burglary involves unlawful entry with intent to commit a crime; robbery involves force or intimidation; theft is the unlawful taking of property.

Explore more about [theft crimes defense](#).

### Do first-time offenders get jail time for burglary in Utah?

It depends. First-time offenders may be eligible for probation, plea bargains, or alternative sentencing — but every case is unique.

#### **Additional Resource:**

1. [Utah Code Title 76 Chapter 6 — Offenses Against Property](#)

## Protect Your Rights with Expert Legal Help

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Facing a burglary charge can feel overwhelming — but you don't have to face it alone. Understanding whether your charge is a felony or misdemeanor is the first step toward protecting your future.

The right defense can make all the difference. If you're ready to fight back and protect your freedom, Wasatch Defense Lawyers is ready to stand with you.

[Contact us today for a free consultation.](#)

| <b>Image Recommendation (Placement)</b>                       | <b>Description/Purpose</b>                                                                                  | <b>SEO-Optimized Title Text</b>             | <b>SEO-Optimized Alt Text</b>                                 | <b>Suggested Filename</b>                  |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------------|--------------------------------------------|
| Top of the Blog (Header Banner)                               | Emotional, impactful courtroom or criminal justice image showing a person facing legal uncertainty.         | Burglary Charges in Utah – Legal Help       | Facing burglary charges in Utah – get legal help              | burglary-charges-utah-legal-help.png       |
| Under “What Counts as Burglary in Utah?”                      | Diagram/graphic illustrating “burglary” vs. “trespassing” (simple visual comparison).                       | Burglary vs Trespassing Explained Utah      | Difference between burglary and trespassing in Utah           | burglary-vs-trespassing-utah.png           |
| Under “Felony vs. Misdemeanor Burglary: Key Differences”      | Chart visual showing felony burglary vs. misdemeanor burglary (support the table with a visual version).    | Utah Burglary Felony vs Misdemeanor Charges | Comparison of felony and misdemeanor burglary charges in Utah | felony-vs-misdemeanor-burglary-utah.png    |
| Before “What to Do If You’re Facing a Burglary Charge”        | Realistic photo of a person consulting a defense attorney (focus on hope and proactive help).               | Utah Burglary Defense Attorney Consultation | Consulting a Utah burglary defense attorney                   | burglary-defense-attorney-consultation.png |
| Near CTA Section (“Charged with burglary? You have options.”) | Positive, reassuring image showing a handshake between a lawyer and client after a successful case outcome. | Utah Criminal Defense Success Story         | Client receiving help from a Utah criminal defense lawyer     | criminal-defense-success-utah.png          |