

HOUSE BILL No. 5823

May 29, 1990, Introduced by Rep. Dunaskiss and referred to the Committee on Judiciary.

A bill to amend section 110 of Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
being section 750.110 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 110 of Act No. 328 of the Public Acts of
2 1931, being section 750.110 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 110. (1) ~~Any~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
5 person who ~~shall break and enter~~ BREAKS AND ENTERS A BUILDING
6 OR STRUCTURE with THE intent to commit ~~any~~ A felony ~~,~~ or any
7 larceny ~~therein, any tent, hotel, office, store, shop, warehouse,~~
8 ~~house, barn, granary, factory or other building, structure, boat~~
9 ~~or ship, railroad car or any private apartment in any of such~~
10 ~~buildings or any unoccupied dwelling house, shall be~~ IN THAT

1 BUILDING OR STRUCTURE IS guilty of a felony punishable by
2 imprisonment ~~in the state prison~~ FOR not LESS THAN 1 YEAR OR
3 more than 10 years. ~~Any~~

4 (2) A person who breaks and enters ~~any occupied dwelling~~
5 ~~house, with~~ A BUILDING OR STRUCTURE THAT IS HABITUALLY USED BY
6 ANOTHER PERSON AS A PLACE OF ABODE, WITH THE intent to commit any
7 felony or larceny ~~therein, shall be~~ IN THAT BUILDING OR STRUC-
8 TURE, IS guilty of a felony, ~~punishable by imprisonment in the~~
9 ~~state prison~~ AND SHALL BE IMPRISONED for not LESS THAN 1 YEAR OR
10 more than 15 years, ~~. For the purpose of this section "any~~
11 ~~occupied dwelling house" includes one that does not require the~~
12 ~~physical presence of~~ WHETHER OR NOT an occupant WAS PHYSICALLY
13 PRESENT IN THE BUILDING OR STRUCTURE at the time of the breaking
14 and entering. ~~but one which is habitually used as a place of~~
15 ~~abode.~~

16 (3) AS USED IN THIS SECTION, "BUILDING OR STRUCTURE"
17 INCLUDES, BUT IS NOT LIMITED TO, A TENT, HOTEL, OFFICE, STORE,
18 SHOP, WAREHOUSE, BARN, GRANARY, FACTORY, BOAT, SHIP, RAILROAD
19 CAR, OR APARTMENT.