

Act No. 270
Public Acts of 1994
Approved by the Governor
July 10, 1994
Filed with the Secretary of State
July 11, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Van Regenmorter and Bouchard

ENROLLED SENATE BILL No. 260

AN ACT to amend section 110 of Act No 328 of the Public Acts of 1931 entitled as amended An act to revise consolidate codify and add to the statutes relating to crimes to define crimes and prescribe the penalties therefor to provide for restitution under certain circumstances to provide for the competency of evidence at the trial of persons accused of crime to provide immunity from prosecution for certain witnesses appearing at such trials and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act being section 750 110 of the Michigan Compiled Laws and to add section 110a

The People of the State of Michigan enact

Section 1 Section 110 of Act No 328 of the Public Acts of 1931 being section 750 110 of the Michigan Compiled Laws is amended and section 110a is added to read as follows

Sec 110 A person who breaks and enters with intent to commit a felony or a larceny therein a tent hotel office store shop warehouse barn granary factory or other building structure boat ship or railroad car is guilty of a felony punishable by imprisonment for not more than 10 years

Sec 110a (1) As used in this section

(a) Dwelling means a structure or shelter that is used permanently or temporarily as a place of abode including an appurtenant structure attached to that structure or shelter

(b) Dangerous weapon means 1 or more of the following

(i) A loaded or unloaded firearm whether operable or inoperable

(ii) A knife stabbing instrument brass knuckles blackjack club or other object specifically designed or customarily carried or possessed for use as a weapon

(iii) An object that is likely to cause death or bodily injury when used as a weapon and that is used as a weapon or carried or possessed for use as a weapon

(iv) An object or device that is used or fashioned in a manner to lead a person to believe the object or device is an object or device described in subparagraphs (i) to (iii)

(c) Without permission means without having obtained permission to enter from the owner or lessee of the dwelling or from any other person lawfully in possession or control of the dwelling

(2) A person who breaks and enters a dwelling with intent to commit a felony or a larceny in the dwelling or a person who enters a dwelling without permission with intent to commit a felony or a larceny in the dwelling is guilty of home invasion in the first degree if at any time while the person is entering present in or exiting the dwelling either of the following circumstances exist

- (a) The person is armed with a dangerous weapon
- (b) Another person is lawfully present in the dwelling
- (3) A person who breaks and enters a dwelling with intent to commit a felony or a larceny in the dwelling or a person who enters a dwelling without permission with intent to commit a felony or a larceny in the dwelling is guilty of home invasion in the second degree
- (4) Home invasion in the first degree is a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$5 000 00 or both
- (5) Home invasion in the second degree is a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$3 000 00 or both
- (6) The court may order a term of imprisonment imposed for home invasion in the first degree to be served consecutively to any term of imprisonment imposed for any other criminal offense arising from the same transaction
- (7) Imposition of a penalty under this section does not bar imposition of a penalty under any other applicable law

Section 2 This amendatory act shall take effect October 1 1994

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor