



HOUSE BILL No. 6030

September 11, 1996, Introduced by Rep. Profit and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 110, 110a, and 111 of Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," section 110 as amended and section 110a as added by Act No. 270 of the Public Acts of 1994, being sections 750.110, 750.110a, and 750.111 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 110, 110a, and 111 of Act No. 328 of
2 the Public Acts of 1931, section 110 as amended and section 110a
3 as added by Act No. 270 of the Public Acts of 1994, being
4 sections 750.110, 750.110a, and 750.111 of the Michigan Compiled
5 Laws, are amended to read as follows:

6 Sec. 110. A person who breaks and enters A TENT, HOTEL,
7 OFFICE, STORE, SHOP, WAREHOUSE, BARN, GRANARY, FACTORY OR OTHER
8 BUILDING OR STRUCTURE, BOAT, SHIP, OR RAILROAD CAR, OTHER THAN A

1 DWELLING, with THE intent to commit a felony or ~~a~~ ANY larceny
2 ~~therein, a~~ IN THAT tent, hotel, office, store, shop, warehouse,
3 barn, granary, factory or other building ~~—~~ OR structure, boat,
4 ship, or railroad car is guilty of a felony ~~—~~ punishable by
5 imprisonment for not more than 10 years.

6 Sec. 110a. (1) As used in this section:

7 (a) "Dwelling" means a structure or shelter that is used
8 permanently or temporarily as a place of abode, including an
9 appurtenant structure attached to that structure or shelter.

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

11 (i) A loaded or unloaded firearm, whether operable or
12 inoperable.

13 (ii) A knife, stabbing instrument, brass knuckles, black-
14 jack, club, or other object specifically designed or customarily
15 carried or possessed for use as a weapon.

16 (iii) An object that is likely to cause death or bodily
17 injury when used as a weapon and that is used as a weapon or car-
18 ried or possessed for use as a weapon.

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

22 (c) "Without permission" means without having obtained per-
23 mission to enter from the owner or lessee of the dwelling or from
24 any other person lawfully in possession or control of the
25 dwelling.

26 (2) A person who breaks and enters a dwelling with intent to
27 commit a felony or a larceny in the dwelling or a person who

1 enters a dwelling without permission with intent to commit a
2 felony or a larceny in the dwelling is guilty of home invasion in
3 the first degree if at any time while the person is entering,
4 present in, or exiting the dwelling either of the following cir-
5 cumstances exists:

6 (a) The person is armed with a dangerous weapon.

7 (b) Another person is lawfully present in the dwelling.

8 (3) A person who breaks and enters a dwelling with intent to
9 commit a felony or a larceny in the dwelling or a person who
10 enters a dwelling without permission with intent to commit a
11 felony or a larceny in the dwelling is guilty of home invasion in
12 the second degree.

13 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
14 WHO BREAKS AND ENTERS A DWELLING IS GUILTY OF HOME INVASION IN
15 THE THIRD DEGREE.

16 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
17 WHO ENTERS A DWELLING WITHOUT PERMISSION IS GUILTY OF HOME INVA-
18 SION IN THE FOURTH DEGREE.

19 (6) ~~(4)~~ Home invasion in the first degree is a felony pun-
20 ishable by imprisonment for not more than 20 years or a fine of
21 not more than \$5,000.00, or both.

22 (7) ~~(5)~~ Home invasion in the second degree is a felony
23 punishable by imprisonment for not more than 15 years or a fine
24 of not more than \$3,000.00, or both.

25 (8) HOME INVASION IN THE THIRD DEGREE IS A FELONY PUNISHABLE
26 BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE
27 THAN \$3,000.00, OR BOTH.

1 (9) HOME INVASION IN THE FOURTH DEGREE IS FELONY PUNISHABLE
2 BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE
3 THAN \$2,500.00, OR BOTH.

4 (10) ~~(6)~~ The court may order a term of imprisonment
5 imposed for home invasion in the first degree to be served con-
6 secutively to any term of imprisonment imposed for any other
7 criminal offense arising from the same transaction.

8 (11) ~~(7)~~ Imposition of a penalty under this section does
9 not bar imposition of a penalty under any other applicable law.

10 Sec. 111. Any person who, without breaking, ~~shall enter~~
11 ~~any dwelling, house,~~ ENTERS A tent, hotel, office, store, shop,
12 warehouse, barn, granary, factory or other building OR STRUCTURE,
13 boat, ship, OR railroad car, ~~or structure used or kept for~~
14 ~~public or private use, or any private apartment therein~~ OTHER
15 THAN A DWELLING, with THE intent to commit a felony or any lar-
16 ceny ~~therein, shall be~~ IN THAT TENT, HOTEL, OFFICE, STORE,
17 SHOP, WAREHOUSE, BARN, GRANARY, FACTORY OR OTHER BUILDING OR
18 STRUCTURE, BOAT, SHIP, OR RAILROAD CAR, IS guilty of a felony
19 punishable by imprisonment ~~in the state prison~~ FOR not more
20 than 5 years ~~or~~ or ~~fined~~ A FINE OF not more than \$2,500.00, OR
21 BOTH.