



SENATE BILL No. 967

April 18, 1996, Introduced by Senator BOUCHARD and referred to the Committee on Families, Mental Health and Human Services.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

2 (i) A loaded or unloaded firearm, whether operable or
3 inoperable.

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

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

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

13 (c) "Without permission" means without having obtained per-
14 mission to enter from the owner or lessee of the dwelling or from
15 any other person lawfully in possession or control of the
16 dwelling.

17 (2) A person who breaks and enters a dwelling with intent to
18 commit a felony or a larceny in the dwelling or a person who
19 enters a dwelling without permission with intent to commit a
20 felony or a larceny in the dwelling is guilty of home invasion in
21 the first degree if at any time while the person is entering,
22 present in, or exiting the dwelling either of the following cir-
23 cumstances exists:

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

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

26 (3) 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 second degree.

4 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
5 WHO BREAKS AND ENTERS A DWELLING OR A PERSON WHO ENTERS A DWELL-
6 ING WITHOUT PERMISSION IS GUILTY OF HOME INVASION IN THE THIRD
7 DEGREE.

8 (5) ~~(4)~~ Home invasion in the first degree is a felony pun-
9 ishable by imprisonment for not more than 20 years or a fine of
10 not more than \$5,000.00, or both.

11 (6) ~~(5)~~ Home invasion in the second degree is a felony
12 punishable by imprisonment for not more than 15 years or a fine
13 of not more than \$3,000.00, or both.

14 (7) HOME INVASION IN THE THIRD DEGREE IS A FELONY PUNISHABLE
15 BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE
16 THAN \$1,000.00, OR BOTH.

17 (8) ~~(6)~~ The court may order a term of imprisonment imposed
18 for home invasion in the first degree to be served consecutively
19 to any term of imprisonment imposed for any other criminal
20 offense arising from the same transaction.

21 (9) ~~(7)~~ Imposition of a penalty under this section does
22 not bar imposition of a penalty under any other applicable law.