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## THIRD DEGREE HOME INVASION

### House Bill 4355

Sponsor: Rep. Jim Howell

### House Bill 4356

Sponsor: Rep. Jennifer Faunce

Committee: Criminal Law and  
Corrections

Complete to 3-4-99

## A SUMMARY OF HOUSE BILLS 4355 AND 4356 AS INTRODUCED 3-2-99

House Bill 4356 would amend the Penal Code (MCL 750.110a) to establish and set penalties for the crime of third degree home invasion. Third degree home invasion would be a felony, punishable by up to 5 years in prison, a fine of up to \$2,000, or both. The crime of third degree home invasion would involve breaking into a dwelling or entering a dwelling without permission under one of the following aggravating circumstances:

- a) the offender intended to commit a misdemeanor other than larceny in the dwelling, or
- b) at the time the violation occurred, the offender was on probation, parole, subject to a personal protection order, or in violation of a bond or bail condition or any other condition of release, even if the violation was not related to the breaking and entering or entering without permission.

In addition, the bill would change the elements of first degree home invasion to include instances where an offender had committed an act that would amount to third degree home invasion, but had also committed an assaultive offense at any time during the commission of the crime, regardless of whether the offender was convicted of the assaultive offense. An assaultive offense would include any offense that involved using or threatening to use force against another.

House Bill 4355 would amend the Code of Criminal Procedure (MCL 777.16f) to include the crime of third degree home invasion in the sentencing guidelines. The crime would be categorized as a crime against a person and listed as a class E crime with a maximum sentence of five years. House Bill 4355 is tie-barred to House Bill 4356.

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.