

SUBSTITUTE FOR
HOUSE BILL NO. 4356

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 110a (MCL 750.110a), as added by 1994 PA
270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 110a. (1) As used in this section:
- 2 (a) "Dwelling" means a structure or shelter that is used
- 3 permanently or temporarily as a place of abode, including an
- 4 appurtenant structure attached to that structure or shelter.
- 5 (b) "Dangerous weapon" means 1 or more of the following:
- 6 (i) A loaded or unloaded firearm, whether operable or
- 7 inoperable.
- 8 (ii) A knife, stabbing instrument, brass knuckles,
- 9 blackjack, club, or other object specifically designed or
- 10 customarily carried or possessed for use as a weapon.

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

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

7 (c) "Without permission" means without having obtained per-
8 mission to enter from the owner or lessee of the dwelling or from
9 any other person lawfully in possession or control of the
10 dwelling.

11 (2) A person who breaks and enters a dwelling with intent to
12 commit a felony, ~~or a~~ larceny, OR ASSAULT in the dwelling, ~~or~~
13 a person who enters a dwelling without permission with intent to
14 commit a felony, ~~or a~~ larceny, OR ASSAULT in the dwelling, OR A
15 PERSON WHO BREAKS AND ENTERS A DWELLING OR ENTERS A DWELLING
16 WITHOUT PERMISSION AND, AT ANY TIME WHILE HE OR SHE IS ENTERING,
17 PRESENT IN, OR EXITING THE DWELLING, COMMITS A FELONY, LARCENY,
18 OR ASSAULT is guilty of home invasion in the first degree if at
19 any time while the person is entering, present in, or exiting the
20 dwelling either of the following circumstances exists:

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

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

23 (3) A person who breaks and enters a dwelling with intent to
24 commit a felony, ~~or a~~ larceny, OR ASSAULT in the dwelling, ~~or~~
25 a person who enters a dwelling without permission with intent to
26 commit a felony, ~~or a~~ larceny, OR ASSAULT in the dwelling, OR A
27 PERSON WHO BREAKS AND ENTERS A DWELLING OR ENTERS A DWELLING

HB4356, As Passed House, April 28, 1999

Sub. H.B. 4356 (H-3) as amended April 28, 1999 3

1 WITHOUT PERMISSION AND, AT ANY TIME WHILE HE OR SHE IS ENTERING,
2 PRESENT IN, OR EXITING THE DWELLING, COMMITS A FELONY, LARCENY,
3 OR ASSAULT is guilty of home invasion in the second degree.

4 (4) A PERSON IS GUILTY OF HOME INVASION IN THE THIRD DEGREE
5 IF THE PERSON DOES EITHER OF THE FOLLOWING:

6 (A) BREAKS AND ENTERS A DWELLING WITH INTENT TO COMMIT A
7 MISDEMEANOR [IN THE DWELLING], ENTERS A DWELLING WITHOUT PERMISSION
WITH INTENT TO

8 COMMIT A MISDEMEANOR [IN THE DWELLING], OR BREAKS AND ENTERS A
DWELLING OR ENTERS A

9 DWELLING WITHOUT PERMISSION AND, AT ANY TIME WHILE HE OR SHE IS
10 ENTERING, PRESENT IN, OR EXITING THE DWELLING, COMMITS A
11 MISDEMEANOR.

12 (B) BREAKS AND ENTERS A DWELLING OR ENTERS A DWELLING WITH-
13 OUT PERMISSION AND, AT ANY TIME WHILE THE PERSON IS ENTERING,
14 PRESENT IN, OR EXITING THE DWELLING, VIOLATES ANY OF THE FOLLOW-
15 ING ORDERED TO PROTECT A NAMED PERSON OR PERSONS:

16 (i) A PROBATION TERM OR CONDITION.

17 (ii) A PAROLE TERM OR CONDITION.

18 (iii) A PERSONAL PROTECTION ORDER TERM OR CONDITION.

19 (iv) A BOND OR BAIL CONDITION OR ANY CONDITION OF PRETRIAL
20 RELEASE.

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

24 (6) ~~-(5)-~~ Home invasion in the second degree is a felony
25 punishable by imprisonment for not more than 15 years or a fine
26 of not more than \$3,000.00, or both.

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1 (7) HOME INVASION IN THE THIRD DEGREE IS A FELONY PUNISHABLE
2 BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE
3 THAN \$2,000.00, OR BOTH.

4 (8) ~~—(6)—~~ The court may order a term of imprisonment imposed
5 for home invasion in the first degree to be served consecutively
6 to any term of imprisonment imposed for any other criminal
7 offense arising from the same transaction.

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

10 Enacting section 1. This amendatory act takes effect
11 October 1, 1999.