

**HB 4205, As Passed Senate, May 23, 2000**

**HOUSE BILL NO. 4205**

(As amended November 2, 1999)

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 115 (MCL 750.115).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 115. (1) Any person who ~~shall break and enter,~~  
      or
- 2       ~~shall enter~~ BREAKS AND ENTERS OR ENTERS without breaking,  
      any
- 3       dwelling, house, tent, hotel, office, store, shop,  
      warehouse,
- 4       barn, granary, factory or other building, boat, ship,  
      railroad

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- 5 car or structure used or kept for public or private use, or  
any
- 6 private apartment therein, or any cottage, clubhouse, boat  
house,
- 7 hunting or fishing lodge, garage or the out-buildings  
belonging
- 8 thereto, ANY ICE SHANTY [WITH A VALUE OF \$100.00 OR MORE],  
or any other structure, whether occupied
- 9 or unoccupied, without first obtaining permission to enter  
from
- 10 the owner or occupant, agent, or person having immediate  
control

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1    thereof, ~~shall be~~ IS guilty of a misdemeanor. ~~:-~~  
    ~~Provided,~~

2    ~~That this section shall~~

3            (2) SUBSECTION (1) DOES not apply to entering without  
    break-

4    ing, any place which at the time of ~~such~~ THE entry was  
    open to

5    the public, unless ~~such~~ THE entry ~~has been~~ WAS expressly

6    denied. ~~This section shall not apply in cases where~~  
    SUBSECTION

7    (1) DOES NOT APPLY IF the breaking and entering or entering  
    with-

8    out breaking ~~were~~ WAS committed by a peace officer or  
    ~~some~~

9    ~~one~~ AN INDIVIDUAL under ~~his~~ THE PEACE OFFICER'S direction  
    in

10   the lawful performance of his OR HER duties as ~~such~~ A  
    peace

11   officer.

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