

HOUSE BILL No. 5105

October 1, 2003, Introduced by Reps. Van Regenmorter, Nofs, Gaffney, Stahl, Acciavatti, Robertson, Rocca, Tabor, Meisner, Ward, Pappageorge, Taub, Bieda, Stakoe, Voorhees, Kooiman and Casperson and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 529, 529a, and 530 (MCL 750.529, 750.529a,
and 750.530), section 529a as added by 1994 PA 191.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 529. ~~Any~~ A person who ~~shall assault another, and~~
2 ~~shall feloniously rob, steal and take from his person, or in his~~
3 ~~presence, any money or other property, which may be the subject~~
4 ~~of larceny, such robber being armed with~~ engages in conduct
5 proscribed under section 530 and who in the course of engaging in
6 that conduct, possesses a dangerous weapon —, or ~~any~~ an
7 article used or fashioned in a manner to lead ~~the~~ any person
8 ~~so assaulted~~ present to reasonably believe ~~it to be the~~
9 article is a dangerous weapon, ~~shall be~~ or who represents
10 orally or otherwise that he or she is in possession of a

HOUSE BILL No. 5105

1 **dangerous weapon, is** guilty of a felony ~~—~~ punishable by
 2 imprisonment ~~in the state prison~~ for life or for any term of
 3 years. If an aggravated assault or serious injury is inflicted
 4 by any person while ~~committing an armed robbery as defined in~~
 5 **violating** this section, the ~~sentence~~ **person** shall be **sentenced**
 6 **to a minimum term of imprisonment of** not less than 2 ~~years~~
 7 ~~imprisonment in the state prison~~ **years.**

8 Sec. 529a. (1) A person who ~~by~~ **in the course of**
 9 **committing a larceny of a motor vehicle uses** force or violence
 10 ~~—~~ or ~~by~~ **the** threat of force or violence, or ~~by putting who~~
 11 **puts** in fear ~~robs, steals, or takes a motor vehicle as defined~~
 12 ~~in section 412 from another person, in the presence of that~~
 13 ~~person or the presence of a~~ **any operator**, passenger, or ~~in the~~
 14 ~~presence of any other~~ person in lawful possession of the motor
 15 vehicle, **or any person lawfully attempting to recover the motor**
 16 **vehicle,** is guilty of carjacking, a felony punishable by
 17 imprisonment for life or for any term of years.

18 (2) As used in this section, "in the course of committing a
 19 larceny of a motor vehicle" includes acts that occur in an
 20 attempt to commit the larceny, or during commission of the
 21 larceny, or in flight or attempted flight after the commission of
 22 the larceny, or in an attempt to retain possession of the motor
 23 vehicle.

24 (3) ~~(2)~~ A sentence imposed for a violation of this section
 25 may be imposed to run consecutively to any other sentence imposed
 26 for a conviction that arises out of the same transaction.

27 Sec. 530. (1) ~~Robbery unarmed Any~~ A person who, ~~shall,~~

House Bill No. 5105 as amended February 12, 2004

1 ~~by~~ in the course of committing a larceny of any money or other
2 property that may be the subject of larceny, uses force ~~and~~ or
3 violence against any person who is present, or ~~by assault~~ who
4 assaults or ~~putting~~ puts the person in fear, ~~feloniously rob,~~
5 ~~steal and take from the person of another, or in his presence,~~
6 ~~any money or other property which may be the subject of larceny,~~
7 ~~such robber not being armed with a dangerous weapon, shall be is~~
8 guilty of a felony ~~—~~ punishable by imprisonment ~~in the state~~
9 ~~prison~~ for not more than 15 years.

10 (2) As used in this section, "in the course of committing a
11 larceny" includes acts that occur in an attempt to commit the
12 larceny, or during commission of the larceny, or in flight or
13 attempted flight after the commission of the larceny, or in an
14 attempt to retain possession of the property.

[Enacting section 1. This amendatory act takes effect July 1,
2004.]