

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XVI

BREAKING AND ENTERING

750.110 Breaking and entering; "shipping container" defined.

Sec. 110. (1) A person who breaks and enters, with intent to commit a felony or a larceny therein, a tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, structure, boat, ship, shipping container, or railroad car is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) As used in this section and section 111, "shipping container" means a standardized, reusable container for transporting cargo that is capable of integrating with a railcar flatbed or a flatbed semitrailer.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.110;—Am. 1964, Act 133, Eff. Aug. 28, 1964;—Am. 1968, Act 324, Eff. Nov. 15, 1968;—Am. 1994, Act 270, Eff. Oct. 1, 1994;—Am. 2008, Act 10, Eff. June 1, 2008.

Former law: See section 1 of Act 345 of 1925, being CL 1929, § 16948; and Act 13 of 1929.

750.110a Definitions; home invasion; first degree; second degree; third degree; penalties.

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

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

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

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

(ii) A knife, stabbing instrument, brass knuckles, blackjack, club, or other object specifically designed or customarily carried or possessed for use as a weapon.

(iii) An object that is likely to cause death or bodily injury when used as a weapon and that is used as a weapon or carried or possessed for use as a weapon.

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

(c) "Without permission" means without having obtained permission to enter from the owner or lessee of the dwelling or from any other person lawfully in possession or control of the dwelling.

(2) A person who breaks and enters a dwelling with intent to commit a felony, larceny, or assault in the dwelling, a person who enters a dwelling without permission with intent to commit a felony, larceny, or assault in the dwelling, or a person who breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a felony, larceny, or assault is guilty of home invasion in the first degree if at any time while the person is entering, present in, or exiting the dwelling either of the following circumstances exists:

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

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

(3) A person who breaks and enters a dwelling with intent to commit a felony, larceny, or assault in the dwelling, a person who enters a dwelling without permission with intent to commit a felony, larceny, or assault in the dwelling, or a person who breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a felony, larceny, or assault is guilty of home invasion in the second degree.

(4) A person is guilty of home invasion in the third degree if the person does either of the following:

(a) Breaks and enters a dwelling with intent to commit a misdemeanor in the dwelling, enters a dwelling without permission with intent to commit a misdemeanor in the dwelling, or breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a misdemeanor.

(b) Breaks and enters a dwelling or enters a dwelling without permission and, at any time while the person is entering, present in, or exiting the dwelling, violates any of the following ordered to protect a named person or persons:

(i) A probation term or condition.

(ii) A parole term or condition.

(iii) A personal protection order term or condition.

(iv) A bond or bail condition or any condition of pretrial release.

(5) Home invasion in the first degree is a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$5,000.00, or both.

(6) Home invasion in the second degree is a felony punishable by imprisonment for not more than 15 years

or a fine of not more than \$3,000.00, or both.

(7) Home invasion in the third degree is a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,000.00, or both.

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

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

History: Add. 1994, Act 270, Eff. Oct. 1, 1994;—Am. 1999, Act 44, Eff. Oct. 1, 1999.

750.110b Dumping of garbage, oil, or rubbish from boats; penalty.

Sec. 110b. Any person who discharges, dumps, deposits or throws or causes or permits the discharging, dumping, depositing or throwing of any garbage, except that which has passed through a disposal unit of a type approved by the United States public health service, or oil or rubbish from a vessel or watercraft of 25 or more feet in length into a river or inland lake within this state, or within 3 miles of the shoreline of any part of the great lakes or connecting waters thereof within this state, is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 1 year or by a fine of not more than \$1,000.00, or by both.

History: Add. 1964, Act 132, Eff. Jan. 1, 1966.

750.111 Entering without breaking.

Sec. 111. Any person who, without breaking, enters any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, shipping container, railroad car or structure used or kept for public or private use, or any private apartment therein, with intent to commit a felony or any larceny therein, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,500.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.111;—Am. 1964, Act 133, Eff. Aug. 28, 1964;—Am. 2008, Act 10, Eff. June 1, 2008.

Former law: See section 2 of Act 345 of 1925, being CL 1929, § 16949; and Act 13 of 1929.

750.112 Burglary with explosives.

Sec. 112. Burglary with explosives—Any person who enters any building, and for the purpose of committing any crime therein, uses or attempts to use nitro-glycerine, dynamite, gunpowder or any other high explosive, shall be guilty of a felony, punishable by imprisonment in the state prison not less than 15 years nor more than 30 years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.112.

Former law: See section 1 of Act 64 of 1907, being CL 1915, § 15338; and CL 1929, § 16951.

750.113 Coin or depository box; opening or attempt to open.

Sec. 113. A person who maliciously and willfully, by and with the aid and use of any key, instrument, device, or explosive, blows or attempts to blow, or forces or attempts to force an entrance into any coin box, depository box, or other receptacle established and maintained for the convenience of the public, or of any person or persons, in making payment for any article of merchandise or service, wherein is contained any money or thing of value, or extracts or obtains, or attempts to extract or obtain, therefrom any such money or thing of value so deposited or contained therein, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.113;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 1 of Act 24 of 1925, being CL 1929, § 16953.

750.114 Breaking and entering; outside showcase or counter.

Sec. 114. A person who shall break and enter, or enter without breaking, at any time, any outside showcase or other outside enclosed counter used for the display of goods, wares, or merchandise, with intent to commit the crime of larceny, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.114;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 1 of Act 65 of 1911, being CL 1915, § 15339; CL 1929, § 16952; and Act 144 of 1929.

750.115 Breaking and entering or entering without breaking; buildings, tents, boats, railroad cars; entering public buildings when expressly denied.

Sec. 115. (1) An individual who breaks and enters or enters without breaking, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein, or any cottage, clubhouse, boat house, hunting or fishing lodge, garage or the out-buildings belonging thereto, any ice shanty with a value of \$100.00 or more, or any other structure, whether occupied or unoccupied, without first obtaining permission to enter from the person having immediate control thereof, is guilty of a misdemeanor.

(2) If an individual violates subsection (1) and the person having immediate control thereof is the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has or has had a child in common, or a resident or former resident of the individual's household, the individual is guilty of a misdemeanor.

(3) This section does not apply to entering without breaking, any place which at the time of the entry was open to the public, unless the entry was expressly denied. This section does not apply if the breaking and entering or entering without breaking was committed by a peace officer or an individual under the peace officer's direction in the lawful performance of the peace officer's duties as a peace officer.

(4) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1947, Act 74, Eff. Oct. 11, 1947;—CL 1948, 750.115;—Am. 2000, Act 148, Imd. Eff. June 7, 2000;—Am. 2023, Act 199, Eff. Feb. 13, 2024.

Former law: See sections 1 and 2 of Act 181 of 1929, being CL 1929, §§ 16957 and 16958.

750.116 Use or possession of certain tools; intent to steal property or a motor vehicle; other violations; definitions.

Sec. 116. (1) Except as provided in subsection (2), an individual who knowingly possesses any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, chemical, or substance, adapted and designed for cutting or burning through, forcing, or breaking open, any building, room, vault, safe, or other depository, with the intent to use it to steal any money or other property, knowing the same to be adapted and designed for the purpose of cutting or burning through, forcing, or breaking open any building, room, vault, safe, or other depository, with intent to use or employ the same to steal is guilty of a felony, punishable by imprisonment for not more than 10 years.

(2) An individual who knowingly possesses any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, chemical, or substance, adapted and designed for cutting or burning through, forcing, or breaking open a motor vehicle, or an electronic device or tool that is designed or adapted to unlock or turn on a motor vehicle, with the intent to steal a motor vehicle is guilty of a felony punishable by imprisonment for not more than 5 years.

(3) An individual who, in association with another individual or group of individuals as part of a criminal organization, knowingly possesses any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, chemical, or substance, adapted and designed for cutting or burning through, forcing, or breaking open a motor vehicle, or an electronic device or tool that is designed or adapted to unlock or turn on a motor vehicle, with the intent to steal more than 1 motor vehicle is guilty of a felony punishable by imprisonment for not more than 10 years.

(4) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(5) As used in this section:

(a) "Depository" does not include a motor vehicle.

(b) "Electronic device or tool" means a device or tool with the purpose of unlocking or turning on a motor vehicle and does not include a previously issued activated electronic card, key, or other electronic device assigned to the lawful owner of the vehicle.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.116;—Am. 2024, Act 92, Eff. Oct. 21, 2024.

Former law: See section 53 of Ch. 154 of R.S. 1846, being CL 1871, § 7604; How., § 9175; CL 1897, § 11589; CL 1915, § 15334; CL 1929, § 16930; and Act 116 of 1867.