

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

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.