

**THE MICHIGAN PENAL CODE (EXCERPT)**  
**Act 328 of 1931**

**750.529 Use or possession of dangerous weapon; aggravated assault; penalty.**

Sec. 529. (1) A person who engages in conduct proscribed under section 530 and who in the course of engaging in that conduct does any of the following is guilty of armed robbery:

(a) Possesses a dangerous weapon.

(b) Possesses an article used or fashioned in a manner that would cause a reasonable person to believe the article is a dangerous weapon.

(c) Represents orally or otherwise that he or she possesses a dangerous weapon.

(2) A person who violates this section is guilty of a felony punishable by imprisonment for life or for any term of years.

(3) If a violation of this section results in an aggravated assault of or serious injury to any other person, the person must be sentenced to a minimum term of imprisonment of not less than 2 years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.529;—Am. 1959, Act 71, Eff. Mar. 19, 1960;—Am. 2004, Act 128, Eff. July 1, 2004;—Am. 2020, Act 313, Eff. Mar. 29, 2021.

**Constitutionality:** A defendant's convictions of both armed robbery and the lesser included offenses of larceny of property with a value over \$100 and of larceny in a building cannot be allowed to stand as a violation of the defendant's protection against double jeopardy. People v Jankowski, 408 Mich 79; 289 NW2d 674 (1980).

In People v Wilder, 411 Mich 328; 308 NW2d 112 (1981), the Michigan supreme court held that conviction and sentence for both first-degree felony murder and the underlying felony of armed robbery violates the state constitutional prohibition against double jeopardy.

**Former law:** See section 15 of Ch. 153 of R.S. 1846, being CL 1857, § 5725; CL 1871, § 7524; How., § 9089; CL 1897, § 11484; CL 1915, § 15206; CL 1929, § 16722; and Act 374 of 1927.