

HOUSE BILL No. 5665

March 11, 1998, Introduced by Reps. Frank, Scranton, Baird, Nye, Richner, Dobb, Rocca, Cropsey, Curtis, Gilmer, McBryde, Jansen, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Geiger, Galloway, Middleton, Bodem, Llewellyn, Oxender, Walberg, Birkholz, Crissman, Cassis, Jellema, Bobier and Voorhees and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 110a (MCL 750.110a), as added by 1994 PA
270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 110a. (1) As used in this section:
- 2 (A) "ASSAULTIVE MISDEMEANOR" MEANS A VIOLATION OF SECTION 81
- 3 OR 81A.
- 4 (B) ~~—(a)—~~ "Dwelling" means a structure or shelter that is
- 5 used permanently or temporarily as a place of abode, including an
- 6 appurtenant structure attached to that structure or shelter.
- 7 (C) ~~—(b)—~~ "Dangerous weapon" means 1 or more of the
- 8 following:
- 9 (i) A loaded or unloaded firearm, whether operable or
- 10 inoperable.

1 (ii) A knife, stabbing instrument, brass knuckles,
2 blackjack, club, or other object specifically designed or custom-
3 arily carried or possessed for use as a weapon.

4 (iii) An object that is likely to cause death or bodily
5 injury when used as a weapon and that is used as a weapon or car-
6 ried or possessed for use as a weapon.

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

10 (D) ~~—(e)—~~ "Without permission" means without having obtained
11 permission to enter from the owner or lessee of the dwelling or
12 from any other person lawfully in possession or control of the
13 dwelling.

14 (2) A person who breaks and enters a dwelling with intent to
15 commit a felony or a larceny in the dwelling or a person who
16 enters a dwelling without permission with intent to commit a
17 felony or a larceny in the dwelling is guilty of home invasion in
18 the first degree if at any time while the person is entering,
19 present in, or exiting the dwelling either of the following cir-
20 cumstances exists:

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

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

23 (3) A person who breaks and enters a dwelling with intent to
24 commit a felony or a larceny in the dwelling or a person who
25 enters a dwelling without permission with intent to commit a
26 felony or a larceny in the dwelling is guilty of home invasion in
27 the second degree.

1 (4) A PERSON WHO BREAKS AND ENTERS A DWELLING WITH INTENT TO
2 COMMIT AN ASSAULTIVE MISDEMEANOR IN THE DWELLING OR A PERSON WHO
3 ENTERS A DWELLING WITHOUT PERMISSION WITH INTENT TO COMMIT AN
4 ASSAULTIVE MISDEMEANOR IN THE DWELLING IS GUILTY OF HOME INVASION
5 IN THE THIRD DEGREE.

6 (5) ~~-(4)-~~ Home invasion in the first degree is a felony pun-
7 ishable by imprisonment for not more than 20 years or a fine of
8 not more than \$5,000.00, or both.

9 (6) ~~-(5)-~~ Home invasion in the second degree is a felony
10 punishable by imprisonment for not more than 15 years or a fine
11 of not more than \$3,000.00, or both.

12 (7) HOME INVASION IN THE THIRD DEGREE IS A FELONY PUNISHABLE
13 BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE
14 THAN \$3,000.00, OR BOTH.

15 (8) ~~-(6)-~~ The court may order a term of imprisonment imposed
16 for home invasion in the first degree to be served consecutively
17 to any term of imprisonment imposed for any other criminal
18 offense arising from the same transaction.

19 (9) ~~-(7)-~~ Imposition of a penalty under this section does
20 not bar imposition of a penalty under any other applicable law.