

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

***** 750.115.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

750.115.amended 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.