

HOUSE BILL No. 4085

February 7, 1989, Introduced by Reps. Joe Young, Sr., Joe Young, Jr., Kilpatrick, Gire and Jaye and referred to the Committee on Judiciary.

A bill to amend sections 110 and 356a of Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
being sections 750.110 and 750.356a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 110 and 356a of Act No. 328 of the
2 Public Acts of 1931, being sections 750.110 and 750.356a of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 110. (1) ~~Any~~ A person who ~~shall break~~ BREAKS and
5 ~~enter~~ ENTERS with intent to commit ~~any~~ A felony, or ~~any~~ A
6 larceny ~~therein, any~~ IN A tent, hotel, office, store, shop,
7 warehouse, barn, granary, factory, or other building, structure,
8 boat or ship, railroad car, or ~~any~~ A private apartment in any
9 of ~~such~~ THESE buildings, or ~~any~~ AN unoccupied dwelling house,

1 ~~shall be~~ IS guilty of a felony ~~punishable~~ AND SHALL BE
2 PUNISHED by imprisonment ~~in the state prison~~ FOR A MANDATORY
3 MINIMUM TERM OF NOT LESS THAN 2 YEARS AND A MAXIMUM TERM OF not
4 more than 10 years. ~~Any~~ A person who breaks and enters ~~any~~
5 AN occupied dwelling house, with intent to commit ~~any~~ A felony
6 or larceny ~~therein, shall be~~ IN THE OCCUPIED DWELLING HOUSE, IS
7 guilty of a felony ~~punishable~~ AND SHALL BE PUNISHED by impris-
8 onment ~~in the state prison~~ for A MANDATORY MINIMUM TERM OF NOT
9 LESS THAN 2 YEARS AND A MAXIMUM TERM OF not more than 15 years.
10 ~~For the purpose of~~ AS USED IN this section, ~~"any"~~ "occupied
11 dwelling house" ~~includes one that does not require the physical~~
12 ~~presence of an occupant at the time of the breaking and entering~~
13 ~~but one which is~~ MEANS A DWELLING THAT IS habitually used as a
14 place of abode, AND THE PHYSICAL PRESENCE OF AN OCCUPANT IN THE
15 DWELLING AT THE TIME OF THE BREAKING AND ENTERING IS NOT
16 REQUIRED.

17 (2) A PERSON SUBJECT TO A MANDATORY MINIMUM TERM OF IMPRIS-
18 ONMENT UNDER SUBSECTION (1) SHALL NOT BE ELIGIBLE FOR PROBATION,
19 SUSPENSION OF THE SENTENCE, OR PAROLE DURING THAT MANDATORY MINI-
20 MUM TERM.

21 Sec. 356a. (1) ~~Any~~ A person who ~~shall commit~~ COMMITS
22 the offense of larceny by stealing, ~~or~~ unlawfully removing, or
23 taking ~~any~~ A wheel, tire, radio, heater, or clock in or on
24 ~~any~~ A motor vehicle, house trailer, trailer, or ~~semi-trailer,~~
25 ~~shall be~~ SEMITRAILER, IS guilty of a felony ~~—~~ punishable by a
26 fine ~~not to exceed~~ OF NOT MORE THAN \$1,000.00 ~~—~~ or by
27 imprisonment ~~in the state prison~~ FOR not more than 5 years.

1 (2) ~~Any~~ A person who ~~shall enter~~ ENTERS or ~~break~~
2 BREAKS into ~~any~~ A motor vehicle, house trailer, trailer, or
3 ~~semi-trailer~~ SEMITRAILER, for the purpose of stealing or unlaw-
4 fully removing ~~therefrom~~ FROM THE MOTOR VEHICLE, HOUSE TRAILER,
5 TRAILER, OR SEMITRAILER any goods, chattels, or property of the
6 value of not less than \$5.00; ~~—~~ or who ~~shall break~~ BREAKS or
7 ~~enter~~ ENTERS into ~~any~~ A motor vehicle, house trailer, trail-
8 er, or ~~semi-trailer~~ SEMITRAILER, for the purpose of stealing or
9 unlawfully removing ~~therefrom~~ FROM THE MOTOR VEHICLE, HOUSE
10 TRAILER, TRAILER, OR SEMITRAILER any goods, chattels, or
11 property, regardless of the value ~~thereof~~ OF THE GOODS, CHAT-
12 TELS, OR PROPERTY, if in so doing ~~such~~ THE person breaks,
13 tears, cuts, or otherwise damages any part of ~~such~~ THE motor
14 vehicle, house trailer, trailer, or ~~semi-trailer, shall be~~
15 SEMITRAILER, IS guilty of a felony ~~—, punishable by a fine not to~~
16 ~~exceed \$1,000.00, or~~ AND SHALL BE PUNISHED by imprisonment ~~in~~
17 ~~the state prison~~ FOR A MANDATORY MINIMUM TERM OF NOT LESS THAN 2
18 YEARS AND A MAXIMUM TERM OF not more than 5 years.

19 (3) A PERSON SUBJECT TO THE MANDATORY MINIMUM TERM OF
20 IMPRISONMENT UNDER SUBSECTION (2) SHALL NOT BE ELIGIBLE FOR PRO-
21 BATION, SUSPENSION OF THE SENTENCE, OR PAROLE DURING THAT MANDA-
22 TORY MINIMUM TERM.