

# HOUSE BILL No. 5380

January 10, 1990, Introduced by Rep. Van Regenmorter and referred to the Committee on Judiciary.

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

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 110 of Act No. 328 of the Public Acts of  
2 1931, being section 750.110 of the Michigan Compiled Laws, is  
3 amended and section 110a is added to read as follows:

4 Sec. 110. ~~Any~~ A person who ~~shall break~~ BREAKS and  
5 ~~enter~~ ENTERS, with intent to commit ~~any~~ A felony ~~,~~ or ~~any~~  
6 A larceny therein, ~~any~~ 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 buildings ~~or any unoccupied dwelling house, shall be~~ IS

1 guilty of a felony, punishable by imprisonment ~~in the state~~  
2 ~~prison~~ FOR not more than 10 years. ~~Any person who breaks and~~  
3 ~~enters any occupied dwelling house, with intent to commit any~~  
4 ~~felony or larceny therein, shall be guilty of a felony punishable~~  
5 ~~by imprisonment in the state prison for not more than 15 years.~~  
6 ~~For the purpose of this section "any occupied dwelling house"~~  
7 ~~includes one that does not require the physical presence of an~~  
8 ~~occupant at the time of the breaking and entering but one which~~  
9 ~~is habitually used as a place of abode.~~

10 SEC. 110A. (1) AS USED IN THIS SECTION, "DWELLING" MEANS  
11 ANY STRUCTURE OR SHELTER THAT IS HABITUALLY USED AS A PLACE OF  
12 ABODE.

13 (2) A PERSON WHO BREAKS AND ENTERS A DWELLING WITH INTENT TO  
14 COMMIT A FELONY OR A LARCENY IN THE DWELLING OR A PERSON WHO  
15 ENTERS A DWELLING WITHOUT PERMISSION WITH INTENT TO COMMIT A  
16 FELONY OR A LARCENY IN THE DWELLING IS GUILTY OF HOME INVASION IN  
17 THE FIRST DEGREE IF AT ANY TIME WHILE THE PERSON IS ENTERING,  
18 PRESENT IN, OR EXITING THE DWELLING BOTH OF THE FOLLOWING CIRCUM-  
19 STANCES EXIST:

20 (A) THE PERSON IS ARMED WITH A WEAPON.

21 (B) THERE IS ANOTHER PERSON LAWFULLY PRESENT IN THE  
22 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 IF AT ANY TIME WHILE THE PERSON IS ENTERING,

1 PRESENT IN, OR EXITING THE DWELLING THERE IS ANOTHER PERSON  
2 LAWFULLY PRESENT IN THE DWELLING.

3 (4) A PERSON WHO BREAKS AND ENTERS A DWELLING WITH INTENT TO  
4 COMMIT A FELONY OR A LARCENY IN THE DWELLING IS GUILTY OF HOME  
5 INVASION IN THE THIRD DEGREE.

6 (5) HOME INVASION IN THE FIRST DEGREE IS A FELONY PUNISHABLE  
7 BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS.

8 (6) HOME INVASION IN THE SECOND DEGREE IS A FELONY PUNISH-  
9 ABLE BY IMPRISONMENT FOR NOT MORE THAN 17 YEARS.

10 (7) HOME INVASION IN THE THIRD DEGREE IS A FELONY PUNISHABLE  
11 BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS.