

## THE MICHIGAN PENAL CODE (EXCERPT)

### Act 328 of 1931

#### CHAPTER LXXVIII

#### ROBBERY

##### **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.

##### **750.529a Carjacking; felony; penalty; “in the course of committing a larceny of a motor vehicle” defined; consecutive sentence.**

Sec. 529a. (1) A person who in the course of committing a larceny of a motor vehicle uses force or violence or the threat of force or violence, or who puts in fear any operator, passenger, or person in lawful possession of the motor vehicle, or any person lawfully attempting to recover the motor vehicle, is guilty of carjacking, a felony punishable by imprisonment for life or for any term of years.

(2) As used in this section, “in the course of committing a larceny of a motor vehicle” includes acts that occur in an attempt to commit the larceny, or during commission of the larceny, or in flight or attempted flight after the commission of the larceny, or in an attempt to retain possession of the motor vehicle.

(3) A sentence imposed for a violation of this section may be imposed to run consecutively to any other sentence imposed for a conviction that arises out of the same transaction.

**History:** Add. 1994, Act 191, Eff. Oct. 1, 1994;—Am. 2004, Act 128, Eff. July 1, 2004.

##### **750.530 Larceny of money or other property; felony; penalty; “in the course of committing a larceny” defined.**

Sec. 530. (1) A person who, in the course of committing a larceny of any money or other property that may be the subject of larceny, uses force or violence against any person who is present, or who assaults or puts the person in fear, is guilty of a felony punishable by imprisonment for not more than 15 years.

(2) As used in this section, “in the course of committing a larceny” includes acts that occur in an attempt to commit the larceny, or during commission of the larceny, or in flight or attempted flight after the commission of the larceny, or in an attempt to retain possession of the property.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.530;—Am. 2004, Act 128, Eff. July 1, 2004.

**Former law:** See section 17 of Ch. 153 of R.S. 1846, being CL 1857, § 5727; CL 1871, § 7526; How., § 9091; CL 1897, § 11486; CL 1915, § 15208; and CL 1929, § 16724.

##### **750.531 Bank, safe and vault robbery.**

Sec. 531. Bank, safe and vault robbery—Any person who, with intent to commit the crime of larceny, or any felony, shall confine, maim, injure or wound, or attempt, or threaten to confine, kill, maim, injure or wound, or shall put in fear any person for the purpose of stealing from any building, bank, safe or other depository of money, bond or other valuables, or shall by intimidation, fear or threats compel, or attempt to compel any person to disclose or surrender the means of opening any building, bank, safe, vault or other

depository of money, bonds, or other valuables, or shall attempt to break, burn, blow up or otherwise injure or destroy any safe, vault or other depository of money, bonds or other valuables in any building or place, shall, whether he succeeds or fails in the perpetration of such larceny or felony, be guilty of a felony, punishable by imprisonment in the state prison for life or any term of years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.531.

**Former law:** See section 1 of Act 111 of 1877, being How., § 9121; CL 1897, § 506; CL 1915, § 15229; and CL 1929, § 16748.