

# HOUSE BILL No. 4205

February 9, 1999, Introduced by Reps. Rick Johnson, Green, Bovin, Mortimer, Tabor, Bradstreet, Shackleton and Allen and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 115 (MCL 750.115).

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 115. (1) Any person who ~~shall break and enter, or~~  
2 ~~shall enter~~ BREAKS AND ENTERS OR ENTERS without breaking, any  
3 dwelling, house, tent, hotel, office, store, shop, warehouse,  
4 barn, granary, factory or other building, boat, ship, railroad  
5 car or structure used or kept for public or private use, or any  
6 private apartment therein, or any cottage, clubhouse, boat house,  
7 hunting or fishing lodge, garage or the out-buildings belonging  
8 thereto, ANY ICE SHANTY, or any other structure, whether occupied  
9 or unoccupied, without first obtaining permission to enter from  
10 the owner or occupant, agent, or person having immediate control

1 thereof, ~~shall be~~ IS guilty of a misdemeanor. ~~:- Provided,~~  
2 ~~That this section shall~~

3 (2) SUBSECTION (1) DOES not apply to entering without break-  
4 ing, any place which at the time of ~~such~~ THE entry was open to  
5 the public, unless ~~such~~ THE entry ~~has been~~ WAS expressly  
6 denied. ~~This section shall not apply in cases where~~ SUBSECTION  
7 (1) DOES NOT APPLY IF the breaking and entering or entering with-  
8 out breaking ~~were~~ WAS committed by a peace officer or ~~some~~  
9 ~~one~~ AN INDIVIDUAL under ~~his~~ THE PEACE OFFICER'S direction in  
10 the lawful performance of his OR HER duties as ~~such~~ A peace  
11 officer.