

SUBSTITUTE FOR
HOUSE BILL NO. 5182

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 116 (MCL 750.116).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 116. ~~(1) Possession of burglar's tools—Any person~~ **Except**
2 **as provided in subsection (2), an individual** who shall knowingly
3 ~~have in his possession~~ **possesses** any nitroglycerine, or other
4 explosive, thermite, engine, machine, tool or implement, device,
5 chemical, or substance, adapted and designed for cutting or burning
6 through, forcing, or breaking open, any building, room, vault,
7 safe, or other depository, ~~in order~~ **with the intent to use it** to
8 steal ~~therefrom~~ any money or other property, knowing the same to be
9 adapted and designed for the purpose aforesaid, ~~of cutting or~~

1 burning through, forcing, or breaking open any building, room,
2 vault, safe, or other depository, with intent to use or employ the
3 same ~~for the purpose aforesaid, shall be to steal is~~ guilty of a
4 felony, punishable by imprisonment ~~in the state prison for~~ not more
5 than 10 years.

6 (2) An individual who knowingly possesses any nitroglycerine,
7 or other explosive, thermite, engine, machine, tool or implement,
8 device, chemical, or substance, adapted and designed for cutting or
9 burning through, forcing, or breaking open a motor vehicle, or an
10 electronic device or tool that is designed or adapted to unlock or
11 turn on a motor vehicle, with the intent to steal a motor vehicle
12 is guilty of a felony punishable by imprisonment for not more than
13 5 years.

14 (3) An individual who, in association with another individual
15 or group of individuals as part of a criminal organization,
16 knowingly possesses any nitroglycerine, or other explosive,
17 thermite, engine, machine, tool or implement, device, chemical, or
18 substance, adapted and designed for cutting or burning through,
19 forcing, or breaking open a motor vehicle, or an electronic device
20 or tool that is designed or adapted to unlock or turn on a motor
21 vehicle, with the intent to steal more than 1 motor vehicle is
22 guilty of a felony punishable by imprisonment for not more than 10
23 years.

24 (4) This section does not prohibit an individual from being
25 charged with, convicted of, or punished for any other violation of
26 law that is committed by that individual while violating this
27 section.

28 (5) As used in this section:

29 (a) "Depository" does not include a motor vehicle.

1 (b) "Electronic device or tool" means a device or tool with
2 the purpose of unlocking or turning on a motor vehicle and does not
3 include a previously issued activated electronic card, key, or
4 other electronic device assigned to the lawful owner of the
5 vehicle.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.