

HOUSE BILL NO. 5182

October 19, 2023, Introduced by Reps. Mentzer, Farhat, Shannon, Aragona, Tyrone Carter, Haadsma, Wilson, Arbit, Snyder, Liberati, Breen, Hood, BeGole and Skaggs and referred to the Committee on Criminal Justice.

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,

1 safe, or other depository, ~~in order with the intent to use it~~ to
2 steal ~~therefrom~~ any money or other property, knowing the same to be
3 adapted and designed for the purpose ~~aforsaid, of stealing,~~ with
4 intent to use or employ the same ~~for the purpose aforsaid,~~ shall
5 ~~be to steal is~~ guilty of a felony, punishable by imprisonment ~~in~~
6 ~~the state prison for~~ not more than 10 years.

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

15 (3) As used in this section, "electronic device or tool" means
16 a device or tool with the purpose of unlocking or turning on a
17 motor vehicle and does not include a previously issued activated
18 electronic card, key, or other electronic device assigned to the
19 lawful owner of the vehicle.

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