

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

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.