

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.529 Use or possession of dangerous weapon; aggravated assault; penalty.

Sec. 529. A person who engages in conduct proscribed under section 530 and who in the course of engaging in that conduct, possesses a dangerous weapon or an article used or fashioned in a manner to lead any person present to reasonably believe the article is a dangerous weapon, or who represents orally or otherwise that he or she is in possession of a dangerous weapon, is guilty of a felony punishable by imprisonment for life or for any term of years. If an aggravated assault or serious injury is inflicted by any person while violating this section, the person shall 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.

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.