

Possession of Burglary Tools

If you get caught with some common household or hardware items such as a crowbar¹, chisel, or a flashlight², you could find yourself facing felony charges. Even though the items may seem rather innocuous and ordinary, if the police believe you have them to use for an illegal purpose, you may find yourself being accused of a serious crime.

Possession of Burglary Tools is when someone knowingly possesses “burglary tools” with the intent break and enter one of the following: building, room, vault, safe, or other depository. We now know that “other depository” is a catch-all phrase that includes motor vehicles.³

Burglary Tools

What exactly are burglary tools? They are defined as any tool, implement, or instrument including, chemical, explosives, or other substances adopted or designed for breaking and entering. The tool or substance just doesn't have to be capable of being used for breaking and entering, but it has to be designed or expressly planned for breaking and entering. It has to be designed for cutting, burning, or otherwise forcing or breaking open. Some examples include: chisel, saw, hammer, lock picks, flashlight, and crowbar.

Intent for Illegal Purpose

It is not enough to prove that someone was in possession of these items. The prosecutor has to also prove that the accused was in possession of one or more of these items specifically for an “illegal purpose”⁴ or with specific intent to commit a breaking and entering with them.

Penalty

Possession of Burglary Tools is a felony punishable by up to 10 years in prison.

1 *People v Gross*, 118 Mich App 161; 324 NW2d 557 (1982)

2 *People v Ross*, 39 Mich App 697; 198 NW2d 439 (1972)

3 *People v Osby*, 291 Mich App 12; 804 NW2 903 (2011)

4 *People v Rigsby*, 92 Mich App 95; 284 NW2d 499 (1979)