

# HOUSE BILL No. 5828

May 29, 1990, Introduced by Rep. Dunaskiss and referred to the Committee on Judiciary.

A bill to amend section 316 of Act No. 328 of the Public Acts of 1931, entitled  
"The Michigan penal code,"  
as amended by Act No. 28 of the Public Acts of 1980, being section 750.316 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 316 of Act No. 328 of the Public Acts of  
2 1931, as amended by Act No. 28 of the Public Acts of 1980, being  
3 section 750.316 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 316. (1) Murder ~~which~~ THAT is perpetrated by means  
6 of poison, lying in wait, or other ~~wilful~~ WILLFUL, deliberate,  
7 and premeditated killing, or ~~which~~ THAT is committed in the  
8 perpetration, or attempt to perpetrate, arson, criminal sexual  
9 conduct in the first or third degree, robbery, breaking and

1 entering of a dwelling, larceny of any kind, extortion, or  
2 kidnapping, is murder ~~of~~ IN the first degree, and shall be pun-  
3 ished by imprisonment for life.

4       (2) A PERSON WHO CAUSES THE DEATH OF ANOTHER PERSON THROUGH  
5 THE USE OF A DANGEROUS INSTRUMENTALITY IN THE COURSE OF PERPE-  
6 TRATING, OR ATTEMPTING TO PERPETRATE, ARSON, CRIMINAL SEXUAL CON-  
7 DUCT IN THE FIRST OR THIRD DEGREE, ROBBERY, BREAKING AND ENTERING  
8 OF A DWELLING, LARCENY OF ANY KIND, EXTORTION, OR KIDNAPPING IS  
9 GUILTY OF MURDER IN THE FIRST DEGREE, AND SHALL BE PUNISHED BY  
10 IMPRISONMENT FOR LIFE.

11       (3) AS USED IN THIS SECTION, "DANGEROUS INSTRUMENTALITY"  
12 MEANS A WEAPON, OR A DEVICE, OBJECT, OR SUBSTANCE THAT IS USED IN  
13 A MANNER SO AS TO CREATE IMMINENT DANGER OF DEATH OR SERIOUS  
14 BODILY INJURY TO A PERSON.