

## FIRST DEGREE FELONY MURDER

House Bills 4880 and 4881  
Sponsor: Rep. Nelson W. Saunders  
Committee: Judiciary

Complete to 9-10-93

### A SUMMARY OF HOUSE BILLS 4880 AND 4881 AS INTRODUCED 6-22-93

House Bill 4880 would amend the section of the Michigan Penal Code (MCL 750.316) that makes murder committed in conjunction with any of several specified felonies (i.e., a "felony murder") a first degree murder, which is punished by life in prison without parole. The bill would specify that someone convicted of felony murder under this section before November 25, 1980 would instead be punished by imprisonment for any term of years (and thus be parolable) if the following two conditions were met:

-- neither the person's intention to kill or do great bodily harm, nor the person's wanton and willful disregard of the likelihood that he or she might cause death or great bodily harm, had been submitted to the trier of fact (e.g. the jury); and,

--if the person's felony murder conviction had come about because of aiding and abetting, and the trier of fact had not decided on whether the person knew of the principal's intent.

House Bill 4881 would amend the Code of Criminal Procedure (MCL 769.25) to establish provisions for the resentencing of people convicted of felony murder before November 25, 1980. Someone so convicted could apply to the sentencing judge or his or her successor for resentencing; if the judge determined that the conditions of House Bill 4880 were met, he or she would resentence the individual. The judge's determination and order would have to be made within 120 days after the application was received. The determination and sentence would be appealable to the court of appeals by leave.

The bill would specify that it would apply only to people convicted of felony murder before the Michigan Supreme Court's decision in People v. Aaron, 409 Mich 672; 299 NW2d 304 (1980) to whom Aaron would otherwise apply but for its prospective application.

Neither bill could take effect unless both were enacted.

House Bills 4880 and 4881 (9-10-93)