

Act No. 267
Public Acts of 1994
Approved by the Governor
July 5, 1994
Filed with the Secretary of State
July 6, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Cisky Welborn Geake Arthurhultz DiNello and Bouchard

ENROLLED SENATE BILL No. 210

AN ACT to amend section 316 of Act No 328 of the Public Acts of 1931 entitled as amended An act to revise consolidate codify and add to the statutes relating to crimes to define crimes and prescribe the penalties therefor to provide for restitution under certain circumstances to provide for the competency of evidence at the trial of persons accused of crime to provide immunity from prosecution for certain witnesses appearing at such trials and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act 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

Section 1 Section 316 of Act No 328 of the Public Acts of 1931 as amended by Act No 28 of the Public Acts of 1980 being section 750 316 of the Michigan Compiled Laws is amended to read as follows

Sec 316 (1) A person who commits any of the following is guilty of first degree murder and shall be punished by imprisonment for life

(a) Murder perpetrated by means of poison lying in wait or any other willful deliberate and premeditated killing

(b) Murder committed in the perpetration of or attempt to perpetrate arson criminal sexual conduct in the first or third degree child abuse in the first degree a major controlled substance offense robbery breaking and entering of a dwelling larceny of any kind extortion or kidnapping

(c) A murder of a peace officer or a corrections officer committed while the peace officer or corrections officer is lawfully engaged in the performance of any of his or her duties as a peace officer or corrections officer with knowledge that the peace officer or corrections officer is a peace officer or corrections officer engaged in the performance of his or her duty as a peace officer or corrections officer

(2) As used in this section

(a) Corrections officer means any of the following

(i) Any prison or jail guard or other prison or jail personnel

(ii) Any personnel of a boot camp or other minimum security correctional facility

(iii) Any parole or probation officer

(b) Major controlled substance offense means any of the following

(i) A violation of section 7401(2)(a)(i) to (iii) of the public health code Act No 368 of the Public Acts of 1978 being section 333 7401 of the Michigan Compiled Laws

(ii) A violation of section 7403(2)(a)(i) to (iii) of the public health code Act No 368 of the Public Acts of 1978 being section 333 7403 of the Michigan Compiled Laws

(iii) A conspiracy to commit an offense listed in subparagraph (i) or (ii)

(c) Peace officer means any of the following

(i) Any police or conservation officer of this state or of any political subdivision of this state

(ii) Any police or conservation officer of the United States

(iii) Any police or conservation officer of another state or of any political subdivision of another state

Section 2 This amendatory act shall take effect October 1 1994

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor