



HOUSE BILL No. 4880

June 22, 1993, Introduced by Reps. Saunders, Wallace, Gubow, Kilpatrick, Bennane, Leland, Profit, Joe Young, Jr., Rivers, Cropsey, Harrison, DeMars, Llewellyn, Palamara, Harder, Byrum, Murphy, Schroer, Points, Pitoniak, Agee, Jacobetti, Hood, Ciaramitaro, Brown, Jondahl, Berman, Gire, McBryde, Jersevic, Bankes, Bender, Randall, Baade, Dobronski, Willard, Dolan, Owen, Allen, McNutt and London and referred to the Committee on Judiciary.

A bill to amend section 316 of Act No. 328 of the Public Acts of 1931, entitled as amended "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 OF, 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 the first degree ~~—~~ and shall be pun-
3 ished by imprisonment for life.

4 (2) AN INDIVIDUAL CONVICTED OF FELONY MURDER UNDER SUBSEC-
5 TION (1) BEFORE NOVEMBER 25, 1980 SHALL BE PUNISHED BY IMPRISON-
6 MENT FOR ANY TERM OF YEARS IF THE FOLLOWING CONDITIONS ARE MET,
7 AS APPLICABLE:

8 (A) THE INDIVIDUAL'S INTENTION TO KILL, INTENTION TO DO
9 GREAT BODILY HARM, OR WANTON AND WILLFUL DISREGARD OF THE LIKELI-
10 HOOD THAT THE NATURAL TENDENCY OF THE INDIVIDUAL'S BEHAVIOR WAS
11 TO CAUSE DEATH OR GREAT BODILY HARM WAS NOT SUBMITTED TO THE
12 TRIER OF FACT.

13 (B) IF THE INDIVIDUAL WAS CONVICTED OF FELONY MURDER UNDER
14 SUBSECTION (1) BY AIDING AND ABETTING, THE INDIVIDUAL'S KNOWLEDGE
15 OF THE PRINCIPAL'S INTENTION TO KILL, INTENTION TO DO GREAT
16 BODILY HARM, OR WANTON AND WILLFUL DISREGARD OF THE LIKELIHOOD
17 THAT THE NATURAL TENDENCY OF THE PRINCIPAL'S BEHAVIOR WAS TO
18 CAUSE DEATH OR GREAT BODILY HARM WAS NOT SUBMITTED TO THE TRIER
19 OF FACT.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No. _____ or House Bill No. 4881 (request
22 no. 01871'93) of the 87th Legislature is enacted into law.