



HOUSE BILL No. 4881

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June 22, 1993, Introduced by Reps. Saunders, Wallace, Gubow, Kilpatrick, Bennane, Rivers, Leland, Profit, Joe Young, Jr., 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 chapter IX of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," as amended, being sections 769.1 to 769.28 of the Michigan Compiled Laws, by adding section 25.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Chapter IX of Act No. 175 of the Public Acts of  
2 1927, as amended, being sections 769.1 to 769.28 of the Michigan  
3 Compiled Laws, is amended by adding section 25 to read as  
4 follows:

5 CHAPTER IX

6 SEC. 25. (1) AN INDIVIDUAL CONVICTED OF FELONY MURDER SHALL  
7 BE SENTENCED AS PROVIDED IN SECTION 316(2) OF THE MICHIGAN PENAL  
8 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION  
9 750.316 OF THE MICHIGAN COMPILED LAWS, IF THE SENTENCING JUDGE OR

1 THE JUDGE'S SUCCESSOR IN OFFICE DETERMINES THAT THE INDIVIDUAL  
2 MEETS ALL OF THE FOLLOWING CONDITIONS, AS APPLICABLE:

3 (A) THE INDIVIDUAL WAS CONVICTED BEFORE NOVEMBER 25, 1980 OF  
4 MURDER COMMITTED IN THE PERPETRATION OF, OR ATTEMPT TO PERPE-  
5 TRATE, ARSON, RAPE, CRIMINAL SEXUAL CONDUCT IN THE FIRST OR THIRD  
6 DEGREE, ROBBERY, BURGLARY, BREAKING AND ENTERING OF A DWELLING,  
7 LARCENY OF ANY KIND, EXTORTION, OR KIDNAPPING.

8 (B) 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 (C) IF THE INDIVIDUAL WAS CONVICTED OF MURDER AS DESCRIBED  
14 IN SUBDIVISION (A) BY AIDING AND ABETTING, THE INDIVIDUAL'S  
15 KNOWLEDGE OF THE PRINCIPAL'S INTENTION TO KILL, INTENTION TO DO  
16 GREAT BODILY HARM, OR WANTON AND WILLFUL DISREGARD OF THE LIKELI-  
17 HOOD 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 (2) AN INDIVIDUAL WHO WAS CONVICTED OF FELONY MURDER BEFORE  
21 NOVEMBER 25, 1980 MAY APPLY TO THE SENTENCING JUDGE OR THE  
22 JUDGE'S SUCCESSOR IN OFFICE FOR RESENTENCING UNDER SECTION 316(2)  
23 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931. THE JUDGE SHALL  
24 DETERMINE WHETHER THE INDIVIDUAL MEETS ALL APPLICABLE CONDITIONS  
25 DESCRIBED IN SUBSECTION (1). IF SO, THE JUDGE SHALL RESENTENCE  
26 THE INDIVIDUAL PURSUANT TO THIS SECTION. THE JUDGE SHALL MAKE  
27 THIS DETERMINATION AND ENTER AN ORDER CONCERNING THE APPLICATION

1 WITHIN 120 DAYS AFTER THE APPLICATION IS SUBMITTED TO THE COURT.  
2 THE JUDGE'S DETERMINATION OR SENTENCE PURSUANT TO THIS SUBSECTION  
3 IS APPEALABLE TO THE COURT OF APPEALS BY LEAVE.

4 Section 2. The section added by this amendatory act applies  
5 only to those persons convicted of felony murder before the  
6 Michigan supreme court's decision in People v Aaron, 409 Mich  
7 672; 299 NW2d 304 (1980) to whom Aaron would otherwise apply but  
8 for its prospective application.

9 Section 3. This amendatory act shall not take effect unless  
10 Senate Bill No. \_\_\_\_\_ or House Bill No. 4880 (request  
11 no. 01871'93 a) of the 87th Legislature is enacted into law.