



# HOUSE BILL No. 5011

September 12, 1995, Introduced by Reps. Law, Ryan and Hill and referred to the Committee on Judiciary and Civil Rights.

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. 267 of the Public Acts of 1994, 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. 267 of the Public Acts of 1994, being  
3 section 750.316 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 316. (1) A person who commits any of the following is  
6 guilty of first degree murder and shall be punished by imprison-  
7 ment for life:

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

1 (b) Murder committed in the perpetration of, or attempt to  
 2 perpetrate, ~~arson~~ UNLAWFUL BURNING OF ANY KIND, criminal sexual  
 3 conduct in the first or third degree, child abuse in the first  
 4 degree, a major controlled substance offense, robbery, ~~breaking~~  
 5 ~~and entering of a dwelling~~ HOME INVASION IN THE FIRST OR SECOND  
 6 DEGREE, larceny of any kind, extortion, or kidnapping.

7 (c) A murder of a peace officer or a corrections officer  
 8 committed while the peace officer or corrections officer is law-  
 9 fully engaged in the performance of any of his or her duties as a  
 10 peace officer or corrections officer, with knowledge that the  
 11 peace officer or corrections officer is a peace officer or cor-  
 12 rections officer engaged in the performance of his or her duty as  
 13 a peace officer or corrections officer.

14 (2) As used in this section:

15 (a) "Corrections officer" means ~~any~~ 1 OR MORE of the  
 16 following:

17 (i) ~~Any~~ A prison or jail guard or other prison or jail  
 18 personnel.

19 (ii) ~~Any~~ A personnel of a boot camp or other minimum  
 20 security correctional facility.

21 (iii) ~~Any~~ A parole or probation officer.

22 (b) "Major controlled substance offense" means ~~any~~ 1 OR  
 23 MORE of the following:

24 (i) A violation of section 7401(2)(a)(i) to (iii) of the  
 25 public health code, Act No. 368 of the Public Acts of 1978, being  
 26 section 333.7401 of the Michigan Compiled Laws.

1 (ii) A violation of section 7403(2)(a)(i) to (iii) of the  
2 public health code, Act No. 368 of the Public Acts of 1978, being  
3 section 333.7403 of the Michigan Compiled Laws.

4 (iii) A conspiracy to commit an offense listed in subpara-  
5 graph (i) or (ii).

6 (c) "Peace officer" means ~~any~~ 1 OR MORE of the following:

7 (i) ~~Any~~ A police or conservation officer of this state or  
8 of ~~any~~ A political subdivision of this state.

9 (ii) ~~Any~~ A police or conservation officer of the United  
10 States.

11 (iii) ~~Any~~ A police or conservation officer of another  
12 state, or of ~~any~~ A political subdivision of another state.