



SENATE BILL No. 282

February 14, 1995, Introduced by Senator VAN REGENMORTER
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. 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 EXCEPT AS PROVIDED IN SUBSECTION (2):

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, criminal sexual conduct in the first or third
3 degree, child abuse in the first degree, a major controlled sub-
4 stance offense, robbery, breaking and entering of a dwelling,
5 larceny of any kind, extortion, or kidnapping.

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

13 (2) A JUVENILE CONVICTED OF VIOLATING SUBSECTION (1) WHO IS
14 WITHIN THE COURT'S JURISDICTION FOR SENTENCING PURSUANT TO
15 SECTION 1 OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, ACT
16 NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION 769.1 OF THE
17 MICHIGAN COMPILED LAWS, SHALL BE PUNISHED EITHER BY IMPOSITION OF
18 THE SENTENCE PROVIDED IN SUBSECTION (1) OR, IF THE COURT DETER-
19 MINES THAT IT IS IN THE BEST INTERESTS OF THE PUBLIC, A SENTENCE
20 OF ANY TERM OF YEARS BUT NOT LESS THAN 25 YEARS.

21 (3) ~~(2)~~ As used in this section:

22 (a) "Corrections officer" means any of the following:

23 (i) Any prison or jail guard or other prison or jail
24 personnel.

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

1 (iii) Any parole or probation officer.

2 (b) "Major controlled substance offense" means any of the
3 following:

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

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

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

12 (c) "Peace officer" means any of the following:

13 (i) Any police or conservation officer of this state, or of
14 any political subdivision of this state.

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

17 (iii) Any police or conservation officer of another state,
18 or of any political subdivision of another state.

19 Section 2. This amendatory act shall not take effect unless
20 all of the following bills of the 88th Legislature are enacted
21 into law:

22 (a) Senate Bill No. 283.

23
24 (b) Senate Bill No. 284.

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