

**SUBSTITUTE FOR  
SENATE BILL NO. 271**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 316, 317, 321, and 324 (MCL 750.316,  
750.317, 750.321, and 750.324), section 316 as amended by 1996 PA  
21.

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

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

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

6       (b) Murder committed in the perpetration of, or attempt to  
7 perpetrate, arson, criminal sexual conduct in the first, second,  
8 or third degree, child abuse in the first degree, a major  
9 controlled substance offense, robbery, breaking and entering of a

**SB 271, As Passed Senate, March 26, 1998**

Senate Bill No. 271

2

1 dwelling, home invasion in the first or second degree, larceny of  
2 any kind, extortion, or kidnapping.

3       (c) ~~A murder~~ MURDER of a peace officer or a corrections  
4 officer committed while the peace officer or corrections officer  
5 is lawfully engaged in the performance of any of his or her  
6 duties as a peace officer or corrections officer, with knowledge  
7 that the peace officer or corrections officer is a peace officer  
8 or corrections officer engaged in the performance of his or her  
9 duty as a peace officer or corrections officer.

10       (2) FOLLOWING A NOTICE AND AN OPPORTUNITY FOR A HEARING, THE  
11 COURT MAY ORDER A PERSON CONVICTED OF VIOLATING SUBSECTION (1) BY  
12 ENGAGING IN CONDUCT PROSCRIBED UNDER SECTION 625(4) OR (5) OF THE  
13 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, TO PAY CHILD  
14 SUPPORT TO THE PARENT OR GUARDIAN OF THE MINOR CHILD OF ANY  
15 PERSON WHO DIED OR SUFFERED A LONG-TERM INCAPACITATING INJURY AS  
16 A RESULT OF THE VIOLATION. THE COURT SHALL DETERMINE THE AMOUNT  
17 OF CHILD SUPPORT BY APPLYING THE CHILD SUPPORT FORMULA DEVELOPED  
18 UNDER SECTION 19 OF THE FRIEND OF THE COURT ACT, 1982 PA 294, MCL  
19 552.519, CONSIDERING THE CONVICTED DEFENDANT AS IF HE OR SHE WERE  
20 A PARENT OF THE CHILD.

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

22       (a) "Arson" means a felony violation of chapter X.

23       (b) "Corrections officer" means any of the following:

24       (i) A prison or jail guard or other prison or jail  
25 personnel.

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

**SB 271, As Passed Senate, March 26, 1998**

Senate Bill No. 271

3

1       (iii) A parole or probation officer.

2       (c) "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,~~  
6 ~~being section 333.7401 of the Michigan Compiled Laws~~ 1978 PA  
7 368, MCL 333.7401.

8       (ii) A violation of section 7403(2)(a)(i) to (iii) of the  
9 public health code, ~~Act No. 368 of the Public Acts of 1978,~~  
10 ~~being section 333.7403 of the Michigan Compiled Laws~~ 1978 PA  
11 368, MCL 333.7403.

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

14       (d) "Peace officer" means any of the following:

15       (i) A police or conservation officer of this state, or of a  
16 political subdivision of this state.

17       (ii) A police or conservation officer of the United States.

18       (iii) A police or conservation officer of another state, or  
19 of a political subdivision of another state.

20       Sec. 317. (1) ~~Second degree murder--All other kinds of~~  
21 ~~murder shall be~~ MURDER, OTHER THAN MURDER OF THE FIRST DEGREE,  
22 IS murder of the second degree, ~~and shall be punished~~ A FELONY  
23 PUNISHABLE by imprisonment ~~in the state prison~~ for life ~~,~~ or  
24 any term of years. ~~, in the discretion of the court trying the~~  
25 ~~same.~~

26       (2) FOLLOWING A NOTICE AND AN OPPORTUNITY FOR A HEARING, THE  
27 COURT MAY ORDER A PERSON CONVICTED OF VIOLATING SUBSECTION (1) BY

**SB 271, As Passed Senate, March 26, 1998**

Senate Bill No. 271

4

1 ENGAGING IN CONDUCT PROSCRIBED UNDER SECTION 625(4) OR (5) OF THE  
2 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, TO PAY CHILD  
3 SUPPORT TO THE PARENT OR GUARDIAN OF THE MINOR CHILD OF ANY  
4 PERSON WHO DIED OR SUFFERED A LONG-TERM INCAPACITATING INJURY AS  
5 A RESULT OF THE VIOLATION. THE COURT SHALL DETERMINE THE AMOUNT  
6 OF CHILD SUPPORT BY APPLYING THE CHILD SUPPORT FORMULA DEVELOPED  
7 UNDER SECTION 19 OF THE FRIEND OF THE COURT ACT, 1982 PA 294, MCL  
8 552.519, CONSIDERING THE CONVICTED DEFENDANT AS IF HE OR SHE WERE  
9 A PARENT OF THE CHILD.

10       Sec. 321. (1) ~~Manslaughter--Any~~ A person who ~~shall~~  
11 ~~commit the crime of~~ COMMITS manslaughter ~~shall be~~ IS guilty of  
12 a felony punishable by imprisonment ~~in the state prison,~~ FOR  
13 not more than 15 years or ~~by~~ A fine of not more than ~~7,500~~  
14 ~~dollars~~ \$7,500.00, or both. ~~, at the discretion of the court.~~

15       (2) FOLLOWING A NOTICE AND AN OPPORTUNITY FOR A HEARING, THE  
16 COURT MAY ORDER A PERSON CONVICTED OF VIOLATING SUBSECTION (1) BY  
17 ENGAGING IN CONDUCT PROSCRIBED UNDER SECTION 625(4) OR (5) OF THE  
18 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, TO PAY CHILD  
19 SUPPORT TO THE PARENT OR GUARDIAN OF THE MINOR CHILD OF ANY  
20 PERSON WHO DIED OR SUFFERED A LONG-TERM INCAPACITATING INJURY AS  
21 A RESULT OF THE VIOLATION. THE COURT SHALL DETERMINE THE AMOUNT  
22 OF CHILD SUPPORT BY APPLYING THE CHILD SUPPORT FORMULA DEVELOPED  
23 UNDER SECTION 19 OF THE FRIEND OF THE COURT ACT, 1982 PA 294, MCL  
24 552.519, CONSIDERING THE CONVICTED DEFENDANT AS IF HE OR SHE WERE  
25 A PARENT OF THE CHILD.

26       Sec. 324. (1) ~~Any~~ A person who, by the operation of any  
27 vehicle upon ~~any~~ A highway or ~~upon~~ any other PUBLIC OR

**SB 271, As Passed Senate, March 26, 1998**

SB 271 as amended March 26, 1998

5

1 PRIVATE property, ~~public or private,~~ at an immoderate rate of  
2 speed or in a careless, reckless, or negligent manner, but not  
3 ~~wilfully~~ WILLFULLY or wantonly, ~~shall cause~~ CAUSES the death  
4 of another PERSON, ~~shall be~~ IS guilty of a misdemeanor ~~—,~~ pun-  
5 ishable by imprisonment ~~in the state prison~~ FOR not more than 2  
6 years or ~~by~~ a fine of not more than \$2,000.00, or ~~by~~ both.  
7 ~~such fine and imprisonment.~~

8 (2) FOLLOWING A NOTICE AND AN OPPORTUNITY FOR A HEARING, THE  
9 COURT MAY ORDER A PERSON CONVICTED OF VIOLATING SUBSECTION (1) BY  
10 ENGAGING IN CONDUCT PROSCRIBED UNDER SECTION 625(4) OR (5) OF THE  
11 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, TO PAY CHILD  
12 SUPPORT TO THE PARENT OR GUARDIAN OF THE MINOR CHILD OF ANY  
13 PERSON WHO DIED OR SUFFERED A LONG-TERM INCAPACITATING INJURY AS  
14 A RESULT OF THE VIOLATION. THE COURT SHALL DETERMINE THE AMOUNT  
15 OF CHILD SUPPORT BY APPLYING THE CHILD SUPPORT FORMULA DEVELOPED  
16 UNDER SECTION 19 OF THE FRIEND OF THE COURT ACT, 1982 PA 294, MCL  
17 552.519, CONSIDERING THE CONVICTED DEFENDANT AS IF HE OR SHE WERE  
18 A PARENT OF THE CHILD.

19 Enacting section 1. This amendatory act takes effect 9 months  
20 after the date it is enacted.

21 Enacting section 2. This amendatory act does not take  
22 effect unless all of the following bills of the 89th Legislature  
23 are enacted into law:

- 24 (a) Senate Bill No. 268.  
25 (b) Senate Bill No. 269.  
26 (c) Senate Bill No. 625.

**SB 271, As Passed Senate, March 26, 1998**

SB 271 as amended March 26, 1998

6

1 (d) Senate Bill No. 626.

2 (e) Senate Bill No. 627.

3 (f) Senate Bill No. 870.

4 (g) Senate Bill No. 953.

5 (h) Senate Bill No. 989.

6 (i) Senate Bill No. 990.

7 (j) Senate Bill No. 991.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]