

HOUSE BILL No. 4540

April 21, 1999, Introduced by Reps. Patterson, Bradstreet, Sanborn, Koetje, Vear, Hart, Kukuk, Howell, DeVuyst, Kuipers, Voorhees, Woronchak, Ehardt, Rick Johnson, Gosselin, LaSata, Richardville, Birkholz, Rocca, Middaugh, Julian, Mans, Schauer, Pappageorge, Cameron Brown, Bishop, Allen, Vander Roest, Neumann, Green, Schermesser, Jansen, Stamas, Kowall, Jelinek, Bovin, Garcia, Sheltroun, Basham, Faunce, Mortimer, Frank, DeHart, Shulman, Pumford, Scranton, Jellema, Cassis, Raczkowski and Tabor and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 317 and 321 (MCL 750.317 and 750.321).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 317. (1) ~~Second degree murder--All other kinds of~~
2 ~~murder shall be~~ MURDER, OTHER THAN MURDER IN THE FIRST DEGREE,
3 IS murder ~~of~~ IN the second degree ~~,~~ and, ~~shall be punished~~
4 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IS A FELONY
5 PUNISHABLE by imprisonment ~~in the state prison~~ for life ~~,~~ or
6 FOR any term of years. ~~, in the discretion of the court trying~~
7 ~~the same.~~

8 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), AN INDIVIDUAL WHO
9 IS LICENSED TO CARRY A CONCEALED PISTOL AND WHO COMMITS MURDER IN
10 THE SECOND DEGREE WHILE CARRYING A PISTOL, WHETHER CONCEALED OR

1 NOT, IS GUILTY OF A FELONY AND SHALL BE IMPRISONED FOR LIFE OR
2 FOR ANY TERM OF YEARS BUT NOT LESS THAN 5 YEARS.

3 (3) AN INDIVIDUAL WHO COMMITS MURDER IN THE SECOND DEGREE BY
4 USING A FIREARM AND WHO HAS PREVIOUSLY BEEN CONVICTED OF MURDER
5 IN THIS STATE OR ELSEWHERE IS GUILTY OF A FELONY AND SHALL BE
6 IMPRISONED FOR LIFE OR FOR ANY TERM OF YEAR BUT NOT LESS THAN 15
7 YEARS.

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

14 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), AN INDIVIDUAL WHO
15 IS LICENSED TO CARRY A CONCEALED PISTOL AND WHO COMMITS MAN-
16 SLAUGHTER WHILE CARRYING A PISTOL, WHETHER CONCEALED OR NOT, IS
17 GUILTY OF A FELONY AND SHALL BE IMPRISONED FOR NOT LESS THAN 5
18 YEARS OR MORE THAN 20 YEARS.

19 (3) AN INDIVIDUAL WHO COMMITS MANSLAUGHTER BY USING A FIRE-
20 ARM AND WHO HAS PREVIOUSLY BEEN CONVICTED OF MANSLAUGHTER OR
21 MURDER IN THIS STATE OR ELSEWHERE IS GUILTY OF A FELONY AND SHALL
22 BE IMPRISONED FOR NOT LESS THAN 15 YEARS OR MORE THAN 30 YEARS.

23 Enacting section 1. This amendatory act takes effect
24 September 30, 1999.

25 Enacting section 2. This amendatory act does not take
26 effect unless Senate Bill No. _____ or House Bill No. _____

1 (request no. 00486'99 ***) of the 90th Legislature is enacted
2 into law.