

**SENATE BILL NO. 13**

January 13, 1999, Introduced by Senator BOUCHARD and referred to the Committee on Judiciary.

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

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) 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 AS A RESULT OF THE VIOLATION. THE COURT SHALL  
16 DETERMINE THE AMOUNT OF CHILD SUPPORT BY APPLYING THE CHILD SUP-  
17 PORT FORMULA DEVELOPED UNDER SECTION 19 OF THE FRIEND OF THE  
18 COURT ACT, 1982 PA 294, MCL 552.519, CONSIDERING THE CONVICTED  
19 DEFENDANT AS IF HE OR SHE WERE A PARENT OF THE CHILD.

20 (3) ~~(2)~~ As used in this section:

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

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

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

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

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

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 7 COURT ACT, 1982 PA 294, MCL 552.519, CONSIDERING THE CONVICTED  
 8 DEFENDANT AS IF HE OR SHE WERE A PARENT OF THE CHILD.

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

14       (2) FOLLOWING A NOTICE AND AN OPPORTUNITY FOR A HEARING, THE  
 15 COURT MAY ORDER A PERSON CONVICTED OF VIOLATING SUBSECTION (1) BY  
 16 ENGAGING IN CONDUCT PROSCRIBED UNDER SECTION 625(4) OF THE  
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 22 COURT ACT, 1982 PA 294, MCL 552.519, CONSIDERING THE CONVICTED  
 23 DEFENDANT AS IF HE OR SHE WERE A PARENT OF THE CHILD.

24       Sec. 324. (1) ~~Any~~ A person who, by the operation of any  
 25 vehicle upon ~~any~~ A highway or ~~upon~~ any other PUBLIC OR  
 26 PRIVATE property, ~~public or private,~~ at an immoderate rate of  
 27 speed or in a careless, reckless, or negligent manner, but not

1 ~~wilfully~~ WILLFULLY or wantonly, ~~shall cause~~ CAUSES the death  
2 of another PERSON, ~~shall be~~ IS guilty of a misdemeanor ~~—~~, pun-  
3 ishable by imprisonment ~~in the state prison~~ FOR not more than 2  
4 years or ~~by~~ a fine of not more than \$2,000.00, or ~~by~~ both.  
5 ~~such fine and imprisonment.~~

6 (2) FOLLOWING A NOTICE AND AN OPPORTUNITY FOR A HEARING, THE  
7 COURT MAY ORDER A PERSON CONVICTED OF VIOLATING SUBSECTION (1) BY  
8 ENGAGING IN CONDUCT PROSCRIBED UNDER SECTION 625(4) OF THE  
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14 COURT ACT, 1982 PA 294, MCL 552.519, CONSIDERING THE CONVICTED  
15 DEFENDANT AS IF HE OR SHE WERE A PARENT OF THE CHILD.

16 Enacting section 1. This amendatory act takes effect  
17 October 1, 1999.

18 Enacting section 2. This amendatory act does not take  
19 effect unless Senate Bill No. 14

20 of the 90th Legislature is enacted into  
21 law.