

SENATE BILL NO. 430

March 11, 1999, Introduced by Senators BULLARD, BENNETT, YOUNG,
SHUGARS and STEIL and referred to the Committee on
Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 316 (MCL 750.316), 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 con-
9 trolled substance offense, robbery, CARJACKING, breaking and
10 entering of a dwelling, home invasion in the first or second
11 degree, larceny of any kind, extortion, or kidnapping.

1 (c) A murder of a peace officer or a corrections officer
2 committed while the peace officer or corrections officer is law-
3 fully engaged in the performance of any of his or her duties as a
4 peace officer or corrections officer, ~~with knowledge~~ KNOWING
5 that the peace officer or corrections officer is a peace officer
6 or corrections officer engaged in the performance of his or her
7 duty as a peace officer or corrections officer.

8 (2) As used in this section:

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

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

11 (i) A prison or jail guard or other prison or jail
12 personnel.

13 (ii) ~~ANY OF THE~~ personnel of a boot camp, SPECIAL ALTER-
14 NATIVE INCARCERATION UNIT, or other minimum security correctional
15 facility.

16 (iii) A parole or probation officer.

17 (c) "Major controlled substance offense" means any of the
18 following:

19 (i) A violation of section 7401(2)(a)(i) to (iii) of the
20 public health code, ~~Act No. 368 of the Public Acts of 1978,~~
21 ~~being section 333.7401 of the Michigan Compiled Laws~~ 1978 PA
22 368, MCL 333.7401.

23 (ii) A violation of section 7403(2)(a)(i) to (iii) of the
24 public health code, ~~Act No. 368 of the Public Acts of 1978,~~
25 ~~being section 333.7403 of the Michigan Compiled Laws~~ 1978 PA
26 368, MCL 333.7403.

1 (iii) A conspiracy to commit an offense listed in
2 subparagraph (i) or (ii).

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

4 (i) A police or conservation officer of this state ~~—~~ or
5 ~~—of—~~ a political subdivision of this state.

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

7 (iii) A police or conservation officer of another state ~~—~~
8 or ~~—of—~~ a political subdivision of another state.