

**SUBSTITUTE FOR  
HOUSE BILL NO. 5104**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 316 (MCL 750.316), as amended by 1999 PA  
189.

**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  
3 imprisonment 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, carjacking, breaking and  
10 entering of a dwelling, home invasion in the first or second

1 degree, larceny of any kind, extortion, ~~or~~ kidnapping, **or**  
2 **vulnerable adult abuse under section 145n.**

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

10 (2) As used in this section:

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

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

13 (i) A prison or jail guard or other prison or jail  
14 personnel.

15 (ii) Any of the personnel of a boot camp, special alternative  
16 incarceration unit, or other minimum security correctional  
17 facility.

18 (iii) A parole or probation officer.

19 (c) "Major controlled substance offense" means any of the  
20 following:

21 (i) A violation of section 7401(2)(a)(i) to (iii) of the  
22 public health code, 1978 PA 368, MCL 333.7401.

23 (ii) A violation of section 7403(2)(a)(i) to (iii) of the  
24 public health code, 1978 PA 368, MCL 333.7403.

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

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

1           (i) A police or conservation officer of this state or a  
2 political subdivision of this state.

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

4           (iii) A police or conservation officer of another state or a  
5 political subdivision of another state.

6           Enacting section 1. This amendatory act takes effect 60  
7 days after the date it is enacted.