

**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

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1 degree, larceny of any kind, extortion, ~~or~~ kidnapping, or
2 vulnerable adult abuse <<in the first and second degree>> 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.