

# HOUSE BILL No. 5104

October 1, 2003, Introduced by Reps. Van Regenmorter, Nofs, Gaffney, Stahl, Acciavatti, LaJoy, Wojno, Robertson, Rocca, Tabor, Meisner, Ward, Pappageorge, Taub, Bieda, Stakoe, Voorhees, Kooiman and Casperson and referred to the Committee on Criminal Justice.

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 chapter XXA.**

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.