

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 409

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 316 (MCL 750.316), as amended by 2014 PA 23.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 316. (1) Except as provided in sections 25 and 25a of  
2 chapter IX of the code of criminal procedure, 1927 PA 175, MCL  
3 769.25 and 769.25a, a person who commits any of the following is  
4 guilty of first degree murder and shall be punished by imprisonment  
5 for life without eligibility for parole:

6       (a) Murder perpetrated by means of poison, lying in wait, or  
7 any other willful, deliberate, and premeditated killing.

8       (b) Murder committed in the perpetration of, or attempt to  
9 perpetrate, arson, criminal sexual conduct in the first, second, or  
10 third degree, child abuse in the first degree, a major controlled

1 substance offense, robbery, carjacking, breaking and entering of a  
2 dwelling, home invasion in the first or second degree, larceny of  
3 any kind, extortion, kidnapping, vulnerable adult abuse in the  
4 first or second degree under section 145n, torture under section  
5 85, ~~or~~ aggravated stalking under section 411i, **OR UNLAWFUL**  
6 **IMPRISONMENT UNDER SECTION 349B.**

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

14 (2) As used in this section:

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

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

17 (i) A prison or jail guard or other prison or jail personnel.

18 (ii) Any of the personnel of a boot camp, special alternative  
19 incarceration unit, or other minimum security correctional  
20 facility.

21 (iii) A parole or probation officer.

22 (c) "Major controlled substance offense" means any of the  
23 following:

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

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

Senate Bill No. 409 (H-1) as amended May 27, 2014

(iii) A conspiracy to commit an offense listed in subparagraph

(i) or (ii).

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

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

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

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

Enacting section 1. This amendatory act takes effect [July 1,

2014.]