

# SENATE BILL NO. 89

February 19, 2025, Introduced by Senators SANTANA, BAYER, CAVANAGH, IRWIN and SHINK and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 316 (MCL 750.316), as amended by 2022 PA 149.

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

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

1 parole:

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

4 (b) Murder committed in the perpetration of, or attempt to  
5 perpetrate, arson, criminal sexual conduct in the first, second, or  
6 third degree, child abuse in the first degree, a major controlled  
7 substance offense, robbery, carjacking, breaking and entering of a  
8 dwelling, home invasion in the first or second degree, larceny of  
9 any kind, extortion, kidnapping, vulnerable adult abuse in the  
10 first or second degree under section 145n, torture under section  
11 85, aggravated stalking under section 411i, or unlawful  
12 imprisonment under section 349b.

13 (c) A murder of a peace officer or a corrections officer  
14 committed while the peace officer or corrections officer is  
15 lawfully engaged in the performance of any of ~~his or her~~ **the**  
16 **officer's** duties as a peace officer or corrections officer, knowing  
17 that the peace officer or corrections officer is a peace officer or  
18 corrections officer engaged in the performance of ~~his or her~~ **the**  
19 **officer's** duty as a peace officer or corrections officer.

20 (2) Immediately following a conviction under this section, a  
21 court shall enter an order committing the convicted person to the  
22 jurisdiction of the department of corrections for incarceration in  
23 a state correctional facility pending sentencing using a form  
24 created by the state court administrative office for this purpose.  
25 This order becomes effective if both of the following apply:

26 (a) The sheriff agrees to transport for final sentencing the  
27 person from the state correctional facility to the county and from  
28 the county back to the state correctional facility.

29 (b) The convicted person was not less than 18 years of age at

1 the time ~~he or she~~ **the convicted person** committed the offense for  
2 which ~~he or she~~ **the convicted person** was convicted under this  
3 section.

4 (3) A court shall hold the sentencing hearing not more than 45  
5 days after a person is committed to the department of corrections  
6 under subsection (2).

7 (4) **An individual who was convicted of first degree murder in  
8 violation of this section, under a felony-murder theory of  
9 prosecution before November 4, 1980, and who, on the effective date  
10 of the amendatory act that added this subsection, is serving a  
11 sentence of imprisonment for life is eligible for parole as  
12 provided in the corrections code of 1953, 1953 PA 232, MCL 791.201  
13 to 791.285.**

14 (5) ~~(4)~~As used in this section:

15 (a) "Arson" means a felony violation under 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.

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

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

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

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

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

7 Enacting section 1. This amendatory act does not take effect  
8 unless Senate Bill No. 90 of the 103rd Legislature is enacted into  
9 law.