

# SENATE BILL No. 814

November 6, 2001, Introduced by Senator PETERS and referred to the Committee on Judiciary.

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,  
and by adding chapter LXXXIII-A.

**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 imprison-  
3 ment 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

1 entering of a dwelling, home invasion in the first or second  
2 degree, larceny of any kind, extortion, or kidnapping.

3 (c) A murder of a peace officer or a corrections officer  
4 committed while the peace officer or corrections officer is law-  
5 fully engaged in the performance of any of his or her duties as a  
6 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 (D) A VIOLATION OF SECTION 543B.

11 (2) As used in this section:

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

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

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

16 (ii) Any of the personnel of a boot camp, special alterna-  
17 tive incarceration unit, or other minimum security correctional  
18 facility.

19 (iii) A parole or probation officer.

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

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

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

26 (iii) A conspiracy to commit an offense listed in  
27 subparagraph (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 CHAPTER LXXXIII-A

8 SEC. 543A. THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS  
9 THE "MICHIGAN ANTITERRORISM ACT".

10 SEC. 543B. (1) A PERSON SHALL NOT COMMIT A CRIME DESCRIBED  
11 IN SUBSECTION (2) WITH THE INTENT TO DO ANY OF THE FOLLOWING:

12 (A) INTIMIDATE OR COERCE A CIVILIAN POPULATION.

13 (B) INFLUENCE THE POLICY OF ANY UNIT OF GOVERNMENT BY INTIM-  
14 IDATION OR COERCION.

15 (C) AFFECT THE CONDUCT OF ANY UNIT OF GOVERNMENT BY MURDER,  
16 ASSASSINATION, OR KIDNAPPING.

17 (2) SUBSECTION (1) APPLIES TO THE FOLLOWING CRIMES:

18 (A) A VIOLATION OF SECTION 72 (BURNING DWELLING HOUSE).

19 (B) A VIOLATION OF SECTION 73 (BURNING REAL PROPERTY).

20 (C) A VIOLATION OF SECTION 80 (SETTING FIRE TO MINES AND  
21 MINING MATERIAL).

22 (D) A VIOLATION OF SECTION 82 (FELONIOUS ASSAULT).

23 (E) A VIOLATION OF SECTION 83 (ASSAULT WITH INTENT TO COMMIT  
24 MURDER).

25 (F) A VIOLATION OF SECTION 84 (ASSAULT WITH INTENT TO DO  
26 GREAT BODILY HARM LESS THAN MURDER).

1 (G) A VIOLATION OF SECTION 86 (ASSAULT WITH INTENT TO  
2 MAIM).

3 (H) A VIOLATION OF SECTION 87 (ASSAULT WITH INTENT TO COMMIT  
4 FELONY NOT OTHERWISE PUNISHED).

5 (I) A VIOLATION OF SECTION 88 (ASSAULT WITH INTENT TO ROB  
6 AND STEAL; UNARMED).

7 (J) A VIOLATION OF SECTION 89 (ASSAULT WITH INTENT TO ROB  
8 AND STEAL; ARMED).

9 (K) A VIOLATION OF SECTION 90 (ASSAULT WITH INTENT TO ROB  
10 AND STEAL; UNARMED).

11 (L) A VIOLATION OF SECTION 110A(2) (FIRST-DEGREE HOME  
12 INVASION).

13 (M) A VIOLATION OF SECTION 112 (BURGLARY WITH EXPLOSIVES).

14 (N) A VIOLATION OF SECTION 136B(2) (FIRST-DEGREE CHILD  
15 ABUSE).

16 (O) A VIOLATION OF SECTION 145C (CHILD SEXUALLY ABUSIVE  
17 ACTIVITY OR MATERIAL).

18 (P) A VIOLATION OF SECTION 201 (UNLAWFUL TRANSPORTATION OF  
19 EXPLOSIVE).

20 (Q) A VIOLATION OF SECTION 204 (EXPLOSIVES; SENDING WITH  
21 INTENT TO KILL OR INJURE PERSONS OR DAMAGE PROPERTY).

22 (R) A VIOLATION OF SECTION 204A (SENDING OR PLACING DEVICE  
23 REPRESENTED OR PRESENTED AS AN EXPLOSIVE, INCENDIARY DEVICE, OR  
24 BOMB).

25 (S) A VIOLATION OF SECTION 207 (EXPLOSIVE SUBSTANCES; PLAC-  
26 ING WITH INTENT TO DESTROY AND CAUSING INJURY TO ANY PERSON).

1 (T) A VIOLATION OF SECTION 209 (PLACING OFFENSIVE OR  
2 INJURIOUS SUBSTANCE WITH INTENT TO INJURE, COERCE, OR INTERFERE  
3 WITH PERSONS OR PROPERTY).

4 (U) A VIOLATION OF SECTION 209A (POSSESSION OF EXPLOSIVE  
5 SUBSTANCE OR DEVICE IN PUBLIC PLACE).

6 (V) A VIOLATION OF SECTION 210 (SUBSTANCE THAT WHEN COMBINED  
7 WILL BECOME EXPLOSIVE OR COMBUSTIBLE; POSSESSION WITH INTENT TO  
8 USE UNLAWFULLY).

9 (W) A VIOLATION OF SECTION 211A (DEVICE DESIGNED TO EXPLODE  
10 UPON IMPACT OR UPON APPLICATION OF HEAT OR DEVICE HIGHLY INCENDI-  
11 ARY; POSSESSION WITH INTENT TO USE UNLAWFULLY).

12 (X) A VIOLATION OF SECTION 213 (MALICIOUS THREATS TO EXTORT  
13 MONEY).

14 (Y) A VIOLATION OF SECTION 223 (SALE OF FIREARM OR  
15 AMMUNITION).

16 (Z) A VIOLATION OF SECTION 224 (SALE OF PROHIBITED WEAPON).

17 (AA) A VIOLATION OF SECTION 224A (SALE OR POSSESSION OF  
18 PORTABLE DEVICE OR WEAPON DIRECTING ELECTRICAL CURRENT OR BEAM).

19 (BB) A VIOLATION OF SECTION 224B (MANUFACTURE, SALE, OR POS-  
20 SESSION OF SHORT-BARRELED SHOTGUN OR RIFLE).

21 (CC) A VIOLATION OF SECTION 224C (MANUFACTURING OR DISTRIB-  
22 UTING ARMOR PIERCING AMMUNITION).

23 (DD) A VIOLATION OF SECTION 224D (SALE OR POSSESSION OF  
24 SELF-DEFENSE SPRAY DEVICE).

25 (EE) A VIOLATION OF SECTION 224E (CONVERTING SEMIAUTOMATIC  
26 FIREARM TO FULLY AUTOMATIC FIREARM).

1 (FF) A VIOLATION OF SECTION 224F (POSSESSION OF FIREARM BY  
2 FELON).

3 (GG) A VIOLATION OF SECTION 226 (CARRYING WEAPON WITH UNLAW-  
4 FUL INTENT).

5 (HH) A VIOLATION OF SECTION 226A (CARRYING SWITCHBLADE  
6 KNIFE).

7 (II) A VIOLATION OF SECTION 227 (CARRYING CONCEALED  
8 WEAPON).

9 (JJ) A VIOLATION OF SECTION 227A (UNLAWFUL POSSESSION OF  
10 PISTOL BY LICENSEE).

11 (KK) A VIOLATION OF SECTION 227B (CARRYING OR POSSESSING  
12 FIREARM WHILE COMMITTING FELONY).

13 (ll) A VIOLATION OF SECTION 227F (COMMITTING OR ATTEMPTING  
14 TO COMMIT CRIME WHILE WEARING BODY ARMOR).

15 (MM) A VIOLATION OF SECTION 227G (FELON PURCHASING, OWNING,  
16 POSSESSING, OR USING BODY ARMOR).

17 (NN) A VIOLATION OF SECTION 230 (ALTERING OR REMOVING IDEN-  
18 TIFICATION MARKS FROM FIREARM).

19 (OO) A VIOLATION OF SECTION 232A (FALSE STATEMENT ON APPLI-  
20 CATION TO PURCHASE OR CARRY PISTOL).

21 (PP) A VIOLATION OF SECTION 234A (INTENTIONALLY DISCHARGING  
22 FIREARM FROM VEHICLE AND ENDANGERING OTHERS).

23 (QQ) A VIOLATION OF SECTION 234B (INTENTIONALLY DISCHARGING  
24 FIREARM AT DWELLING OR OCCUPIED STRUCTURE).

25 (RR) A VIOLATION OF SECTION 234C (INTENTIONALLY DISCHARGING  
26 FIREARM AT EMERGENCY OR LAW ENFORCEMENT VEHICLE).

1 (SS) A VIOLATION OF SECTION 234D (POSSESSION OF FIREARM ON  
2 PROHIBITED PREMISES).

3 (TT) A VIOLATION OF SECTION 236 (SETTING SPRING GUN, TRAP,  
4 OR DEVICE).

5 (UU) A VIOLATION OF SECTION 237A (WEAPON FREE SCHOOL ZONE).

6 (VV) A VIOLATION OF SECTION 316 (FIRST DEGREE MURDER).

7 (WW) A VIOLATION OF SECTION 316 (SECOND DEGREE MURDER).

8 (XX) A VIOLATION OF SECTION 321 (MANSLAUGHTER).

9 (YY) A VIOLATION OF SECTION 327 (DEATH DUE TO EXPLOSIVES).

10 (ZZ) A VIOLATION OF SECTION 328 (DEATH DUE TO EXPLOSIVES;  
11 PLACED WITH INTENT TO DESTROY BUILDING OR OBJECT).

12 (AAA) A VIOLATION OF SECTION 329 (DEATH; FIREARM POINTED  
13 INTENTIONALLY BUT WITHOUT MALICE).

14 (BBB) A VIOLATION OF SECTION 349 (KIDNAPPING).

15 (CCC) A VIOLATION OF SECTION 349A (PRISONER TAKING PERSON AS  
16 HOSTAGE).

17 (DDD) A VIOLATION OF SECTION 350 (LEADING, TAKING, CARRYING  
18 AWAY, DECOYING, OR ENTICING AWAY CHILD UNDER 14).

19 (EEE) A VIOLATION OF SECTION 357 (LARCENY FROM THE PERSON).

20 (FFF) A VIOLATION OF SECTION 397 (MAYHEM).

21 (GGG) A VIOLATION OF SECTION 411I (AGGRAVATED STALKING).

22 (HHH) A VIOLATION OF SECTION 520B (FIRST-DEGREE CRIMINAL  
23 SEXUAL CONDUCT).

24 (III) A VIOLATION OF SECTION 520C (SECOND-DEGREE CRIMINAL  
25 SEXUAL CONDUCT).

26 (JJJ) A VIOLATION OF SECTION 520D (THIRD-DEGREE CRIMINAL  
27 SEXUAL CONDUCT).

1 (KKK) A VIOLATION OF SECTION 520E (FOURTH-DEGREE CRIMINAL  
2 SEXUAL CONDUCT).

3 (lll) A VIOLATION OF SECTION 520G (ASSAULT WITH INTENT TO  
4 COMMIT CRIMINAL SEXUAL CONDUCT).

5 (MMM) A VIOLATION OF SECTION 529 (ARMED ROBBERY).

6 (NNN) A VIOLATION OF SECTION 529A (CARJACKING).

7 (OOO) A VIOLATION OF SECTION 530 (UNARMED ROBBERY).

8 (PPP) A VIOLATION OF SECTION 531 (BANK, SAFE, AND VAULT  
9 ROBBERY).

10 (QQQ) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR SOLIC-  
11 ITING ANOTHER PERSON TO COMMIT A VIOLATION DESCRIBED IN SUBDIVI-  
12 SIONS (A) TO (PPP).

13 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), A PERSON WHO VIO-  
14 LATES THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISON-  
15 MENT FOR LIFE OR ANY TERM OF YEARS OR A FINE OF NOT MORE THAN  
16 \$20,000.00, OR BOTH.

17 (4) IF THE VIOLATION CAUSES DEATH TO ANY INDIVIDUAL, THE  
18 PERSON IS GUILTY OF A FELONY AND SHALL BE PUNISHED BY IMPRISON-  
19 MENT FOR LIFE WITHOUT THE OPPORTUNITY FOR PAROLE AND MAY BE FINED  
20 NOT MORE THAN \$50,000.00.

21 (5) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A  
22 VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF  
23 IMPRISONMENT IMPOSED FOR THE UNDERLYING CRIME.

24 SEC. 543C. (1) A PERSON SHALL NOT SOLICIT ANOTHER PERSON TO  
25 PROVIDE MATERIAL SUPPORT OR RESOURCES TO ANY PERSON WITH THE  
26 INTENT THAT THE MATERIAL SUPPORT OR RESOURCES BE USED, IN WHOLE  
27 OR IN PART, FOR ANY OF THE FOLLOWING:



1 (A) TO COMMIT OR ATTEMPT TO COMMIT A VIOLATION OF SECTION  
2 543B.

3 (B) TO CONCEAL ANY ACT MADE TO FURTHER THE COMMISSION OF A  
4 VIOLATION OF SECTION 543B.

5 (C) TO AID THE ESCAPE OR CONCEALMENT OF AN INDIVIDUAL WHO  
6 HAS COMMITTED A VIOLATION OF SECTION 543B.

7 (2) A PERSON SHALL NOT PROVIDE MATERIAL SUPPORT OR RESOURCES  
8 TO ANY PERSON WITH THE INTENT THAT THE MATERIAL SUPPORT OR  
9 RESOURCES BE USED, IN WHOLE OR IN PART, FOR ANY OF THE  
10 FOLLOWING:

11 (A) TO COMMIT OR ATTEMPT TO COMMIT A VIOLATION OF SECTION  
12 543B.

13 (B) TO CONCEAL ANY ACT MADE TO FURTHER THE COMMISSION OF A  
14 VIOLATION OF SECTION 543B.

15 (C) TO AID THE ESCAPE OR CONCEALMENT OF AN INDIVIDUAL WHO  
16 HAS COMMITTED A VIOLATION OF SECTION 543B.

17 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY  
18 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE  
19 OF NOT MORE THAN \$10,000.00, OR BOTH.

20 (4) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A  
21 VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF  
22 IMPRISONMENT IMPOSED FOR ANY OTHER VIOLATION ARISING OUT OF THE  
23 SAME CRIMINAL TRANSACTION AS THE VIOLATION OF THIS SECTION.

24 (5) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING  
25 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION  
26 OF LAW ARISING OUT OF THE SAME CRIMINAL TRANSACTION AS THE  
27 VIOLATION OF THIS SECTION.

1 (6) AS USED IN THIS SECTION, "MATERIAL SUPPORT OR RESOURCES"  
2 MEANS ANY OF THE FOLLOWING:

3 (A) CURRENCY OR ANY OTHER FINANCIAL SECURITY.

4 (B) LODGING.

5 (C) TRAINING.

6 (D) A SAFEHOUSE.

7 (E) FALSE DOCUMENTATION OR IDENTIFICATION.

8 (F) ANY LETHAL SUBSTANCE.

9 (G) AN EXPLOSIVE.

10 (H) PERSONNEL.

11 (I) TRANSPORTATION.

12 (J) ANY OTHER PHYSICAL ASSET OTHER THAN MEDICINE OR RELI-  
13 GIOUS MATERIALS.

14 SEC. 543D. (1) A PERSON SHALL NOT DO EITHER OF THE  
15 FOLLOWING:

16 (A) THREATEN TO COMMIT A VIOLATION DESCRIBED IN SECTION  
17 543B(2)(A) TO (PPP) WITH THE INTENT TO DO ANY OF THE FOLLOWING:

18 (i) INTIMIDATE OR COERCE A CIVILIAN POPULATION.

19 (ii) INFLUENCE THE POLICY OF ANY UNIT OF GOVERNMENT BY  
20 INTIMIDATION OR COERCION.

21 (iii) AFFECT THE CONDUCT OF ANY UNIT OF GOVERNMENT BY  
22 MURDER, ASSASSINATION, OR KIDNAPPING.

23 (B) FALSELY REPORT THE COMMISSION OF A VIOLATION DESCRIBED  
24 IN SECTION 543B(2)(A) TO (QQQ) WITH THE INTENT TO DO ANY OF THE  
25 FOLLOWING:

26 (i) INTIMIDATE OR COERCE A CIVILIAN POPULATION.

1           (ii) INFLUENCE THE POLICY OF ANY UNIT OF GOVERNMENT BY  
2 INTIMIDATION OR COERCION.

3           (iii) AFFECT THE CONDUCT OF ANY UNIT OF GOVERNMENT BY  
4 MURDER, ASSASSINATION, OR KIDNAPPING.

5           (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY  
6 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE  
7 OF NOT MORE THAN \$10,000.00, OR BOTH.

8           (3) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A  
9 VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF  
10 IMPRISONMENT IMPOSED FOR ANY OTHER VIOLATION ARISING OUT OF THE  
11 SAME CRIMINAL TRANSACTION AS THE VIOLATION OF THIS SECTION.

12           (4) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING  
13 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION  
14 OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF  
15 THIS SECTION.