

# HOUSE BILL No. 5617

May 3, 2016, Introduced by Rep. Faris 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 2014 PA 158.

**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

1 third degree, child abuse in the first degree **OR SECOND DEGREE**, a  
2 major controlled substance offense, robbery, carjacking, breaking  
3 and entering of a dwelling, home invasion in the first or second  
4 degree, larceny of any kind, extortion, kidnapping, vulnerable  
5 adult abuse in the first or second degree under section 145n,  
6 torture under section 85, aggravated stalking under section 411i,  
7 or unlawful imprisonment under section 349b.

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

15 (2) As used in this section:

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

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

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

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

22 (iii) A parole or probation officer.

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

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

27 (ii) A violation of section 7403(2) (a) (i) to (iii) of the

1 public health code, 1978 PA 368, MCL 333.7403.

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

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

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

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

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