

Act No. 20
Public Acts of 1996
Approved by the Governor
February 14, 1996
Filed with the Secretary of State
February 15, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Rogers, Young, Bouchard, Hoffman, Cisky and Schwarz

ENROLLED SENATE BILL No. 565

AN ACT to amend section 316 of Act No. 328 of the Public Acts of 1931, entitled as amended "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," as amended by Act No. 267 of the Public Acts of 1994, being section 750.316 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 316 of Act No. 328 of the Public Acts of 1931, as amended by Act No. 267 of the Public Acts of 1994, being section 750.316 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 316. (1) A person who commits any of the following is guilty of first degree murder and shall be punished by imprisonment for life:

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

(b) Murder committed in the perpetration of, or attempt to perpetrate, arson, criminal sexual conduct in the first, second, or third degree, child abuse in the first degree, a major controlled substance offense, robbery, breaking and entering of a dwelling, home invasion in the first or second degree, larceny of any kind, extortion, or kidnapping.

(c) A murder of a peace officer or a corrections officer committed while the peace officer or corrections officer is lawfully engaged in the performance of any of his or her duties as a peace officer or corrections officer, with knowledge that the peace officer or corrections officer is a peace officer or corrections officer engaged in the performance of his or her duty as a peace officer or corrections officer.

(2) As used in this section:

(a) "Arson" means a felony violation of section 72, 73, 74, or 75.

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

(i) Any prison or jail guard or other prison or jail personnel.

(ii) Any personnel of a boot camp or other minimum security correctional facility.

(iii) Any parole or probation officer.

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

(i) A violation of section 7401(2)(a)(i) to (iii) of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7401 of the Michigan Compiled Laws.

(ii) A violation of section 7403(2)(a)(i) to (iii) of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7403 of the Michigan Compiled Laws.

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

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

(i) Any police or conservation officer of this state, or of any political subdivision of this state.

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

(iii) Any police or conservation officer of another state, or of any political subdivision of another state.

Section 2. This amendatory act shall take effect April 1, 1996.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 511 of the 88th Legislature is enacted into law.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.