

**SUBSTITUTE FOR  
HOUSE BILL NO. 4431**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 316 (MCL 750.316), as amended by 2004 PA 58.

**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 imprisonment  
3 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, or  
8 third degree, child abuse in the first degree, a major controlled  
9 substance offense, robbery, carjacking, breaking and entering of a  
10 dwelling, home invasion in the first or second degree, larceny of

1 any kind, extortion, kidnapping, ~~or~~ vulnerable adult abuse in the  
2 first and second degree under section 145n, **TORTURE UNDER SECTION**  
3 **85, OR AGGRAVATED STALKING UNDER SECTION 411I.**

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

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 personnel.

15 (ii) Any of the personnel of a boot camp, special alternative  
16 incarceration unit, or other minimum security correctional  
17 facility.

18 (iii) A parole or probation officer.

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

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

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

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

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

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

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

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

6           Enacting section 1. This amendatory act takes effect  
7 September 1, 2006.