

# HOUSE BILL No. 5913

September 13, 2012, Introduced by Reps. Ananich, Walsh, Cavanagh, Graves and Meadows  
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 2006 PA 415.

**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

1 dwelling, home invasion in the first or second degree, larceny of  
2 any kind, extortion, kidnapping, vulnerable adult abuse in the  
3 first ~~and~~ OR second degree under section 145n, torture under  
4 section 85, or aggravated stalking under section 411i.

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

12 (2) As used in this section:

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

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

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

16 (ii) Any of the personnel of a boot camp, special alternative  
17 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 public  
23 health code, 1978 PA 368, MCL 333.7401.

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

26 (iii) A conspiracy to commit an offense listed in subparagraph  
27 (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.