

**SUBSTITUTE FOR  
HOUSE BILL NO. 4719**

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, a major controlled  
2 substance offense, robbery, carjacking, breaking and entering of a  
3 dwelling, home invasion in the first or second degree, larceny of  
4 any kind, extortion, kidnapping, vulnerable adult abuse in the  
5 first or second degree under section 145n, torture under section  
6 85, aggravated stalking under section 411i, or unlawful  
7 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) **Immediately following a conviction under this section, a**  
16 **judgment of sentence form must be entered and the person convicted**  
17 **must be committed to the jurisdiction of the department of**  
18 **corrections for incarceration in a state correctional facility**  
19 **pending sentencing if both of the following apply:**

20 (a) **The sheriff will transport for final sentencing the person**  
21 **from the state correctional facility to the county and from the**  
22 **county back to the state correctional facility.**

23 (b) **The person was not less than 18 years of age at the time**  
24 **he or she committed the offense for which he or she was convicted**  
25 **under this section.**

26 (3) **A court shall hold the sentencing hearing not more than 30**  
27 **days after a person is committed to the department of corrections**  
28 **under subsection (2).**

29 (4) ~~(2)~~ **As used in this section:**

- 1 (a) "Arson" means a felony violation ~~of~~**under** chapter X.
- 2 (b) "Corrections officer" means any of the following:
- 3 (i) A prison or jail guard or other prison or jail personnel.
- 4 (ii) Any of the personnel of a boot camp, special alternative
- 5 incarceration unit, or other minimum security correctional
- 6 facility.
- 7 (iii) A parole or probation officer.
- 8 (c) "Major controlled substance offense" means any of the
- 9 following:
- 10 (i) A violation of section 7401(2) (a) (i) to (iii) of the public
- 11 health code, 1978 PA 368, MCL 333.7401.
- 12 (ii) A violation of section 7403(2) (a) (i) to (iii) of the public
- 13 health code, 1978 PA 368, MCL 333.7403.
- 14 (iii) A conspiracy to commit an offense listed in subparagraph
- 15 (i) or (ii).
- 16 (d) "Peace officer" means any of the following:
- 17 (i) A police or conservation officer of this state or a
- 18 political subdivision of this state.
- 19 (ii) A police or conservation officer of the United States.
- 20 (iii) A police or conservation officer of another state or a
- 21 political subdivision of another state.