

# HOUSE BILL NO. 4719

April 27, 2021, Introduced by Reps. Bezotte, Mueller, Howell, Borton, Wozniak, Steenland, Paquette, Steckloff and Yaroch 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 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:

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

3 (b) Murder committed in the perpetration of, or attempt to  
4 perpetrate, arson, criminal sexual conduct in the first, second, or  
5 third degree, child abuse in the first degree, a major controlled  
6 substance offense, robbery, carjacking, breaking and entering of a  
7 dwelling, home invasion in the first or second degree, larceny of  
8 any kind, extortion, kidnapping, vulnerable adult abuse in the  
9 first or second degree under section 145n, torture under section  
10 85, aggravated stalking under section 411i, or unlawful  
11 imprisonment under section 349b.

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

19 **(2) A person must be committed to the jurisdiction of the**  
20 **department of corrections for incarceration in a state correctional**  
21 **facility pending sentencing and immediately following a conviction**  
22 **under this section.**

23 **(3) ~~(2)~~—As used in this section:**

24 (a) "Arson" means a felony violation ~~of~~**under** chapter X.

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

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

27 (ii) Any of the personnel of a boot camp, special alternative  
28 incarceration unit, or other minimum security correctional  
29 facility.

1           (iii) A parole or probation officer.

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

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

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

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

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

11          (i) A police or conservation officer of this state or a  
12 political subdivision of this state.

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

14          (iii) A police or conservation officer of another state or a  
15 political subdivision of another state.