

SENATE BILL NO. 406

April 29, 2021, Introduced by Senators BARRETT, NESBITT, LASATA, RUNESTAD, THEIS and VANDERWALL and referred to the Committee on Judiciary and Public Safety.

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.