

HOUSE BILL No. 5145

November 3, 2011, Introduced by Reps. Stallworth, Liss, Ananich, Rutledge, Howze and Durhal 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
10 dwelling, home invasion in the first or second degree, larceny of

1 any kind, extortion, kidnapping, vulnerable adult abuse in the
2 first and second degree under section 145n, torture under section
3 85, ~~or~~ aggravated stalking under section 411i, **OR INTENTIONALLY**
4 **DISCHARGING A FIREARM AT A DWELLING OR AN OCCUPIED STRUCTURE UNDER**
5 **SECTION 234B.**

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

13 (2) As used in this section:

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

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

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

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

20 (iii) A parole or probation officer.

21 (c) "Major controlled substance offense" means any of the
22 following:

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

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

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

1 (i) or (ii).

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

3 (i) A police or conservation officer of this state or a
4 political subdivision of this state.

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

6 (iii) A police or conservation officer of another state or a
7 political subdivision of another state.