

**SUBSTITUTE FOR
SENATE BILL NO. 406**

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 court shall enter an order committing the convicted person to the
17 jurisdiction of the department of corrections for incarceration in
18 a state correctional facility pending sentencing using a form
19 created by the state court administrative office for this purpose.
20 This order becomes effective if both of the following apply:

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

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

27 (3) A court shall hold the sentencing hearing not more than 45
28 days after a person is committed to the department of corrections
29 under subsection (2).

1 (4) ~~(2)~~—As used in this section:

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

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

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

5 (ii) Any of the personnel of a boot camp, special alternative
6 incarceration unit, or other minimum security correctional
7 facility.

8 (iii) A parole or probation officer.

9 (c) "Major controlled substance offense" means any of the
10 following:

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

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

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

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

18 (i) A police or conservation officer of this state or a
19 political subdivision of this state.

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

21 (iii) A police or conservation officer of another state or a
22 political subdivision of another state.