

# HOUSE BILL No. 5462

February 5, 2004, Introduced by Reps. Robertson, Shaffer, LaJoy, Voorhees, Stakoe, Brandenburg, Garfield and Vander Veen and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 316 (MCL 750.316), as amended by 1999 PA  
189.

## 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  
3 imprisonment 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,  
8 or third degree, child abuse in the first degree, a major  
9 controlled substance offense, robbery, carjacking, breaking and  
10 entering of a dwelling, home invasion in the first or second

1 degree, larceny of any kind, extortion, ~~or~~ kidnapping, **or**  
 2 **vulnerable adult abuse under chapter XXA.**

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

10 **(d) A murder of a vulnerable adult.**

11 (2) As used in this section:

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

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

14 (i) A prison or jail guard or other prison or jail  
 15 personnel.

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

19 (iii) A parole or probation officer.

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

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

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

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

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

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

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

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

7 (e) "Vulnerable adult" means any of the following:

8 (i) An individual age 65 or over.

9 (ii) An individual age 18 or over who, because of age,  
10 developmental disability, mental illness, or physical disability,  
11 requires supervision or personal care or lacks the personal or  
12 social skills required to live independently.

13 (iii) An individual who is unable to protect himself or  
14 herself from abuse, neglect, or exploitation because of a mental  
15 or physical impairment.

16 (iv) An adult as defined in section 3 of the adult foster  
17 care facility licensing act, 1979 PA 218, MCL 400.703.