

By: Representative Robinson (84th)

To: Judiciary B

HOUSE BILL NO. 932

1 AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PREMEDITATED MURDER AND THE MURDER OF MULTIPLE
3 VICTIMS SHALL BE CAPITAL MURDER; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 97-3-19, Mississippi Code of 1972, is
6 amended as follows:

7 97-3-19. (1) The killing of a human being without the
8 authority of law by any means or in any manner shall be murder in
9 the following cases:

10 (a) When done with deliberate design to effect the
11 death of the person killed, or of any human being;

12 (b) When done in the commission of an act eminently
13 dangerous to others and evincing a depraved heart, regardless of
14 human life, although without any premeditated design to effect the
15 death of any particular individual;

16 (c) When done without any design to effect death by any
17 person engaged in the commission of any felony other than rape,
18 kidnapping, burglary, arson, robbery, sexual battery, unnatural
19 intercourse with any child under the age of twelve (12), or
20 nonconsensual unnatural intercourse with mankind, or felonious
21 abuse and/or battery of a child in violation of subsection (2) of
22 Section 97-5-39, or in any attempt to commit such felonies.

23 (2) The killing of a human being without the authority of
24 law by any means or in any manner shall be capital murder
25 regardless of the age of the person committing the killing in the
26 following cases:

27 (a) Murder which is perpetrated by killing a peace
28 officer or fireman while such officer or fireman is acting in his
29 official capacity or by reason of an act performed in his official
30 capacity, and with knowledge that the victim was a peace officer
31 or fireman. For purposes of this paragraph, the term "peace
32 officer" means any state or federal law enforcement officer
33 including but not limited to a federal park ranger, the sheriff of
34 or police officer of a city or town, a game warden, a parole
35 officer, a judge, prosecuting attorney or any other court
36 official, an agent of the Alcoholic Beverage Control Division of
37 the State Tax Commission, an agent of the Bureau of Narcotics,
38 personnel of the Mississippi Highway Patrol, and the employees of
39 the Department of Corrections who are designated as peace officers
40 by the Commissioner of Corrections pursuant to Section 47-5-54,
41 and the superintendent and his deputies, guards, officers and
42 other employees of the Mississippi State Penitentiary;

43 (b) Murder which is perpetrated by a person who is
44 under sentence of life imprisonment;

45 (c) Murder which is perpetrated by use or detonation of
46 a bomb or explosive device;

47 (d) Murder which is perpetrated by any person who has
48 been offered or has received anything of value for committing the
49 murder, and all parties to such a murder, are guilty as
50 principals;

51 (e) When done with or without any design to effect
52 death, by any person engaged in the commission of the crime of
53 rape, burglary, kidnapping, arson, robbery, sexual battery,
54 unnatural intercourse with any child under the age of twelve (12),
55 or nonconsensual unnatural intercourse with mankind, or in any
56 attempt to commit such felonies;

57 (f) When done with or without any design to effect
58 death, by any person engaged in the commission of the crime of
59 felonious abuse and/or battery of a child in violation of

60 subsection (2) of Section 97-5-39, or in any attempt to commit
61 such felony;

62 (g) Murder which is perpetrated on educational property
63 as defined in Section 97-37-17;

64 (h) Murder which is perpetrated by the killing of any
65 elected official of a county, municipal, state or federal
66 government with knowledge that the victim was such public
67 official;

68 (i) When done with deliberate design to effect the
69 death of the person killed, or of any human being;

70 (j) Murder which is committed upon two (2) or more
71 persons.

72 SECTION 2. This act shall take effect and be in force from
73 and after its passage.