

By: Senator(s) Woodfield, Gollott

To: Judiciary

SENATE BILL NO. 2357

1 AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THE DEATH PENALTY FOR A HOMICIDE THAT OCCURS IN THE COURSE
3 OF A DRIVE-BY SHOOTING; 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 in the
25 following cases:

26 (a) Murder which is perpetrated by killing a peace

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

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

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

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

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

56 (f) When done with or without any design to effect
57 death, by any person engaged in the commission of the crime of
58 felonious abuse and/or battery of a child in violation of
59 subsection (2) of Section 97-5-39, or in any attempt to commit

60 such felony;

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

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

67 (i) Murder which occurs as the result of a drive-by
68 shooting as set forth in Section 97-3-109.

69 SECTION 2. This act shall take effect and be in force from
70 and after July 1, 1999.