

By: Robinson (84th)

To: Judiciary B

HOUSE BILL NO. 325

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.