

By: Huggins (By Request)

To: Judiciary

SENATE BILL NO. 2872

1 AN ACT TO AMEND SECTION 97-3-15, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A HOMICIDE IS JUSTIFIABLE WHEN COMMITTED AGAINST A
3 PERSON WHO IS ATTEMPTING TO MAKE AN UNLAWFUL ENTRY INTO A MOTOR
4 VEHICLE OR WHO IS BELIEVED TO BE USING UNLAWFUL FORCE AGAINST A
5 PERSON PRESENT IN A MOTOR VEHICLE; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 97-3-15, Mississippi Code of 1972, is
8 amended as follows:[CSQ1]

9 97-3-15. (1) The killing of a human being by the act,
10 procurement, or omission of another shall be justifiable in the
11 following cases:

12 (a) When committed by public officers, or those acting
13 by their aid and assistance, in obedience to any judgment of a
14 competent court;

15 (b) When necessarily committed by public officers, or
16 those acting by their command in their aid and assistance, in
17 overcoming actual resistance to the execution of some legal
18 process, or to the discharge of any other legal duty;

19 (c) When necessarily committed by public officers, or
20 those acting by their command in their aid and assistance, in
21 retaking any felon who has been rescued or has escaped;

22 (d) When necessarily committed by public officers, or
23 those acting by their command in their aid and assistance, in
24 arresting any felon fleeing from justice;

25 (e) When committed by any person in resisting any
26 attempt unlawfully to kill such person or to commit any felony
27 upon him, or upon or in any dwelling house in which such person

28 shall be;

29 (f) When committed in the lawful defense of one's own
30 person or any other human being, where there shall be reasonable
31 ground to apprehend a design to commit a felony or to do some
32 great personal injury, and there shall be imminent danger of such
33 design being accomplished;

34 (g) When necessarily committed in attempting by lawful
35 ways and means to apprehend any person for any felony committed;

36 (h) When necessarily committed in lawfully suppressing
37 any riot or in lawfully keeping and preserving the peace;

38 (i) When committed against a person whom one reasonably
39 believes is attempting to use any unlawful force against a person
40 present in a motor vehicle while committing or attempting to
41 commit a burglary of the motor vehicle, or who has made an
42 unlawful entry into the motor vehicle, and the person committing
43 the homicide reasonably believes that the use of deadly force is
44 necessary to prevent the entry or to compel the intruder to leave
45 the motor vehicle, even though the person committing the homicide
46 does not retreat from the encounter.

47 (2) As used in paragraphs (1)(c) and (1)(d) of this section,
48 the term "when necessarily committed" means that a public officer
49 or a person acting by or at the officer's command, aid or
50 assistance is authorized to use such force as necessary in
51 securing and detaining the felon offender, overcoming the
52 offender's resistance, preventing the offender's escape,
53 recapturing the offender if the offender escapes or in protecting
54 himself or others from bodily harm; but such officer or person
55 shall not be authorized to resort to deadly or dangerous means
56 when to do so would be unreasonable under the circumstances. The
57 public officer or person acting by or at the officer's command may
58 act upon a reasonable apprehension of the surrounding
59 circumstances; however, such officer or person shall not use
60 excessive force or force that is greater than reasonably necessary
61 in securing and detaining the offender, overcoming the offender's
62 resistance, preventing the offender's escape, recapturing the
63 offender if the offender escapes or in protecting himself or
64 others from bodily harm.

65 (3) As used in paragraphs (1)(c) and (1)(d) of this section
66 the term "felon" shall include an offender who has been convicted
67 of a felony and shall also include an offender who is in custody,
68 or whose custody is being sought, on a charge or for an offense
69 which is punishable, upon conviction, by death or confinement in
70 the penitentiary.

71 SECTION 2. This act shall take effect and be in force from
72 and after July 1, 2000.