MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001
By: Representatives Frierson, Fillingane, Formby, Moak
To: Judiciary B

HOUSE BILL NO. 912

AN ACT TO CREATE THE OFFENSE OF FELONY SOLICITATION; TO PROVIDE PENALTIES FOR VIOLATIONS; TO PROVIDE AN AFFIRMATIVE DEFENSE UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Whoever, with intent that another person engage in conduct constituting a felony under the laws of The State of Mississippi solicits, commands, induces, hires, or otherwise endeavors to hire or persuade such other person to commit such felony crime or engage in such criminal conduct, shall be guilty of a felony and shall, upon conviction, be imprisoned for not more than one-half (1/2) the maximum term of imprisonment prescribed for the actual commission of the felony sought to be committed and fined not more than one-half (1/2) the maximum fine or assessment prescribed for the actual commission of the felony, or both; however, in the event the solicitation is to commit the crime of murder then the offender upon conviction shall be imprisoned for life in the State Penitentiary.

(2) This section is in addition to other criminal statutes of the State of Mississippi and shall not be held to repeal, modify or amend any other Mississippi criminal statute or the punishment for any other crime under Mississippi law.

(3) It is an affirmative defense to a prosecution under this section that, under circumstances clearly manifesting a voluntary and complete renunciation of his or her criminal intent, the defendant prevented the commission of the crime solicited. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by a decision to postpone the commission of the...
28 crime until another time or substitute another victim or another
29 but similar objective. If the defendant raises this affirmative
30 defense at trial, the defendant has the burden of proving the
31 defense by a preponderance of the evidence.
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33 (4) It is not a defense to a prosecution under this section
34 that the person solicited to commit the felony crime was a law
35 enforcement officer under the laws of the State of Mississippi or
36 the United States of America and such law enforcement officer was
37 acting in an undercover or covert capacity and the defendant was
38 unaware of the law enforcement officer's true occupation, purpose
39 and law enforcement status.
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41 SECTION 2. This act shall take effect and be in force from
42 and after July 1, 2001.