

By: Representatives Frierson, Fillingane,
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To: Judiciary B

HOUSE BILL NO. 912

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

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

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

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

22 (3) It is an affirmative defense to a prosecution under this
23 section that, under circumstances clearly manifesting a voluntary
24 and complete renunciation of his or her criminal intent, the
25 defendant prevented the commission of the crime solicited. A
26 renunciation is not "voluntary and complete" if it is motivated in
27 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.

32 (4) It is not a defense to a prosecution under this section
33 that the person solicited to commit the felony crime was a law
34 enforcement officer under the laws of the State of Mississippi or
35 the United States of America and such law enforcement officer was
36 acting in an undercover or covert capacity and the defendant was
37 unaware of the law enforcement officer's true occupation, purpose
38 and law enforcement status.

39 SECTION 2. This act shall take effect and be in force from
40 and after July 1, 2001.

