

By: Representatives Woods, Baker, Cameron,
Chism, Frierson, Nicholson

To: Judiciary B

HOUSE BILL NO. 1385

1 AN ACT TO AMEND SECTION 97-3-15, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE KILLING OF A HUMAN BEING TO PREVENT BURGLARY OR
3 ROBBERY OF A DWELLING, BUSINESS OR MOTOR VEHICLE SHALL BE
4 JUSTIFIABLE HOMICIDE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-3-15, Mississippi Code of 1972, is
7 amended as follows:

8 97-3-15. (1) The killing of a human being by the act,
9 procurement, or omission of another shall be justifiable in the
10 following cases:

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

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

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

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

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



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

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

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

37 (i) When necessarily committed against a person whom
38 one reasonably believes to be likely to use any unlawful force
39 against a person in a dwelling or a place of business, or when
40 committed against a person whom one believes is attempting to use
41 any unlawful force against a person present in a motor vehicle
42 while committing or attempting to commit a burglary or robbery of
43 such dwelling, business or motor vehicle. The homicide shall be
44 justifiable even though the person does not retreat from the
45 encounter.

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



61 resistance, preventing the offender's escape, recapturing the
62 offender if the offender escapes or in protecting himself or
63 others from bodily harm.

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

70 **SECTION 2.** This act shall take effect and be in force from
71 and after July 1, 2002.

