MISSISSIPPI LEGISLATURE

By: Representatives Moore (60th), Cameron, Chism, Davis, Denny, Ellington, Fillingane, Formby, Ishee, Jennings, Lott, Martinson, Masterson, Montgomery (74th), Reeves, Roberson, Snowden, Wells-Smith

REGULAR SESSION 2003

To: Judiciary En Banc

HOUSE BILL NO. 1404

1 AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT MULTIPLE MURDERS SHALL BE CAPITAL MURDER; AND FOR
3 RELATED PURPOSES.

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

SECTION 1. Section 97-3-19, Mississippi Code of 1972, is

amended as follows:

97-3-19. (1) The killing of a human being without the
authority of law by any means or in any manner shall be murder in
the following cases:

(a) When done with deliberate design to effect the
death of the person killed, or of any human being;

(b) When done in the commission of an act eminently
dangerous to others and evincing a depraved heart, regardless of
human life, although without any premeditated design to effect the
death of any particular individual;

(c) When done without any design to effect death by any
person engaged in the commission of any felony other than rape,
kidnapping, burglary, arson, robbery, sexual battery, unnatural
intercourse with any child under the age of twelve (12), or
nonconsensual unnatural intercourse with mankind, or felonious
abuse and/or battery of a child in violation of subsection (2) of
Section 97-5-39, or in any attempt to commit such felonies.

(2) The killing of a human being without the authority of
law by any means or in any manner shall be capital murder in the
following cases:

(a) Murder which is perpetrated by killing a peace
officer or fireman while such officer or fireman is acting in his
official capacity or by reason of an act performed in his official
capacity, and with knowledge that the victim was a peace officer
or fireman. For purposes of this paragraph, the term "peace
officer" means any state or federal law enforcement officer
including but not limited to a federal park ranger, the sheriff
of or police officer of a city or town, a conservation officer, a
parole officer, a judge, prosecuting attorney or any other court
official, an agent of the Alcoholic Beverage Control Division of
the State Tax Commission, an agent of the Bureau of Narcotics,
personnel of the Mississippi Highway Patrol, and the employees of
the Department of Corrections who are designated as peace officers
by the Commissioner of Corrections pursuant to Section 47-5-54,
and the superintendent and his deputies, guards, officers and
other employees of the Mississippi State Penitentiary;

(b) Murder which is perpetrated by a person who is
under sentence of life imprisonment;

(c) Murder which is perpetrated by use or detonation of
a bomb or explosive device;

(d) Murder which is perpetrated by any person who has
been offered or has received anything of value for committing the
murder, and all parties to such a murder, are guilty as
principals;

(e) When done with or without any design to effect
death, by any person engaged in the commission of the crime of
rape, burglary, kidnapping, arson, robbery, sexual battery,
unnatural intercourse with any child under the age of twelve (12),
or nonconsensual unnatural intercourse with mankind, or in any
attempt to commit such felonies;

(f) When done with or without any design to effect
death, by any person engaged in the commission of the crime of
felonious abuse and/or battery of a child in violation of
subsection (2) of Section 97-5-39, or in any attempt to commit
such felony;
(g) Murder which is perpetrated on educational property as defined in Section 97-37-17;

(h) Murder which is perpetrated by the killing of any elected official of a county, municipal, state or federal government with knowledge that the victim was such public official;

(i) Murder which results in the death of more than one victim and when such murders are connected as parts of a common scheme or plan.

SECTION 2. This act shall take effect and be in force from and after its passage.