

By: Senator(s) Huggins

To: Judiciary, Division A

SENATE BILL NO. 2438

1 AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF PEACE OFFICER TO INCLUDE SPECIAL AND
3 SENIOR STATUS JUDGES WITH THE RESULT THAT MURDER OF SUCH PERSON
4 ACTING IN HIS OFFICIAL CAPACITY OR BY REASON OF AN ACT PERFORMED
5 IN HIS OFFICIAL CAPACITY WILL CONSTITUTE A CAPITAL OFFENSE; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 97-3-19, Mississippi Code of 1972, is
9 amended as follows:

10 97-3-19. (1) The killing of a human being without the
11 authority of law by any means or in any manner shall be murder in
12 the following cases:

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

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

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

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

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

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

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

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

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

60 (f) When done with or without any design to effect
61 death, by any person engaged in the commission of the crime of

62 felonious abuse and/or battery of a child in violation of
63 subsection (2) of Section 97-5-39, or in any attempt to commit
64 such felony;

65 (g) Murder which is perpetrated on educational property
66 as defined in Section 97-37-17;

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

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