

By: Representatives Moore, Wells-Smith

To: Judiciary En Banc

HOUSE BILL NO. 460

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.

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

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

7 97-3-19. (1) The killing of a human being without the  
8 authority of law by any means or in any manner shall be murder in  
9 the following cases:

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

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

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

23 (d) When done with deliberate design to effect the  
24 death of an unborn child.

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

28           (a) Murder which is perpetrated by killing a peace  
29 officer or fireman while such officer or fireman is acting in his  
30 official capacity or by reason of an act performed in his official  
31 capacity, and with knowledge that the victim was a peace officer  
32 or fireman. For purposes of this paragraph, the term "peace  
33 officer" means any state or federal law enforcement officer,  
34 including, but not limited to, a federal park ranger, the sheriff  
35 of or police officer of a city or town, a conservation officer, a  
36 parole officer, a judge, senior status judge, special judge,  
37 district attorney, legal assistant to a district attorney, county  
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           (i) Murder which results in the death of more than one  
72 (1) victim and when such murders are connected as parts of a  
73 common scheme or plan.

74           (3) An indictment for murder or capital murder shall serve  
75 as notice to the defendant that the indictment may include any and  
76 all lesser included offenses thereof, including, but not limited  
77 to, manslaughter.

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