

By: Representative Dixon

To: Judiciary B

HOUSE BILL NO. 1047

1 AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE ATTORNEY GENERAL TO MAINTAIN A HOMICIDE OFFENDER LIST
3 ON HIS WEBSITE; TO REQUIRE DISTRICT ATTORNEYS TO PROVIDE
4 INFORMATION TO THE ATTORNEY GENERAL REGARDING ALL HOMICIDE
5 CONVICTIONS; AND FOR RELATED PURPOSES.

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

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

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

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

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

18 (c) When done without any design to effect death by any
19 person engaged in the commission of any felony other than rape,



20 kidnapping, burglary, arson, robbery, sexual battery, unnatural
21 intercourse with any child under the age of twelve (12), or
22 nonconsensual unnatural intercourse with mankind, or felonious
23 abuse and/or battery of a child in violation of subsection (2) of
24 Section 97-5-39, or in any attempt to commit such felonies;

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

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

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



45 Corrections pursuant to Section 47-5-54, and the superintendent
46 and his deputies, guards, officers and other employees of the
47 Mississippi State Penitentiary;

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

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

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

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

62 (f) When done with or without any design to effect
63 death, by any person engaged in the commission of the crime of
64 felonious abuse and/or battery of a child in violation of
65 subsection (2) of Section 97-5-39, or in any attempt to commit
66 such felony;

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



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

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

77 (4) The Attorney General shall maintain an offender list on
78 his website of all persons who have been convicted of homicide
79 under Sections 97-3-15 through 97-3-47. All district attorneys
80 shall provide the Attorney General with information regarding all
81 homicide convictions.

82 **SECTION 2.** This act shall take effect and be in force from
83 and after July 1, 2013.

