

By: Representative Dixon

To: Judiciary B

HOUSE BILL NO. 1151

1 AN ACT TO CREATE "THE BRODERICK DIXON ACT"; TO AMEND SECTION
2 97-3-19, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SHOOTING AN
3 UNARMED PERSON IN THE BACK SHALL BE CAPITAL MURDER; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** This act shall be known and may be cited as "The
7 Broderick Dixon Act."

8 **SECTION 2.** 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 (d) When done with deliberate design to effect the
27 death of an unborn child.

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

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



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

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

74 (i) Murder which is perpetrated by the killing of an
75 unarmed person by shooting the person in the back.

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

80 **SECTION 3.** This act shall take effect and be in force from
81 and after July 1, 2013.

