

By: Representatives Monsour, Bennett, Boyd,  
Chism, Criswell, Currie, McLeod, Oliver,  
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To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1406

1 AN ACT TO AMEND SECTION 97-3-19, MISSISSIPPI CODE OF 1972, TO  
2 REVISE CERTAIN DEFINITIONS RELATED TO 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, shall be  
12 first-degree murder;

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

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



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

25 (d) When done with deliberate design to effect the  
26 death of an unborn child, shall be first-degree murder.

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 an emergency  
31 medical technician, a first responder, a peace officer or fireman  
32 while such officer or fireman is acting in his official capacity  
33 or by reason of an act performed in his official capacity, and  
34 with knowledge that the victim was a peace officer or fireman.  
35 For purposes of this paragraph, the term "peace officer" means any  
36 state or federal law enforcement officer, including, but not  
37 limited to, a federal park ranger, the sheriff of or police  
38 officer of a city or town, a conservation officer, a parole  
39 officer, a judge, senior status judge, special judge, district  
40 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 Revenue,  
43 an agent of the Bureau of Narcotics, personnel of the Mississippi



44 Highway Patrol, and the employees of the Department of Corrections  
45 who are designated as peace officers by the Commissioner of  
46 Corrections pursuant to Section 47-5-54, \* \* \* the superintendent  
47 and his deputies, guards, officers and other employees of the  
48 Mississippi State Penitentiary \* \* \*. For purposes of this  
49 paragraph, the term "emergency medical technician" means a person  
50 licensed pursuant to Section 41-59-1 et seq., Mississippi Code of  
51 1972, to provide emergency medical services as an emergency  
52 medical technician-ambulance, emergency medical  
53 technician-intermediate, emergency medical technician-paramedic,  
54 or emergency medical technician-nurse-paramedic. For purposes of  
55 this paragraph, the term "first responders" means state and local  
56 law enforcement personnel, fire department personnel, emergency  
57 medical personnel, emergency management personnel and public works  
58 personnel who may be deployed to bioterrorism attacks, terrorist  
59 attacks, catastrophic or natural disasters and emergencies;

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

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

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



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

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

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

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

85 (i) Murder of three (3) or more persons who are killed  
86 incident to one (1) act, scheme, course of conduct or criminal  
87 episode; \* \* \*

88 (j) Murder of more than three (3) persons within a  
89 three-year period \* \* \*; and

90 (k) Murder which is perpetrated by the killing of a  
91 utility worker while such utility worker is acting in his official  
92 capacity as a utility worker, and with knowledge that the victim



93 was a utility worker. "Utility worker" shall mean any person  
94 employed by, provides service on behalf of, or is otherwise  
95 contracted by a public utility as the term "public utility" is  
96 defined in Section 77-3-3, and any person employed by, provides  
97 service on behalf of or is otherwise contracted by any municipal,  
98 county or state owned utility, and any public agency, association,  
99 utility or utility district.

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

104 **SECTION 2.** This act shall take effect and be in force from  
105 and after July 1, 2016.

