

By: Representatives Monsour, Bennett, Boyd, Chism, Criswell, Currie, McLeod, Oliver, Rushing, Shirley, Horne, Ladner To: Judiciary B

HOUSE BILL NO. 1406  
(As Passed the House)

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 uniformed security guard, a judge, senior status judge,  
40 special judge, district attorney, legal assistant to a district  
41 attorney, county prosecuting attorney or any other court official,  
42 an agent of the Alcoholic Beverage Control Division of the  
43 Department of Revenue, an agent of the Bureau of Narcotics,



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

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

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

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



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

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

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

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

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

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

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



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

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

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

